UN

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1996/2
E/CN.4/Sub.2/1995/51
23 October 1995

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities

REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-SEVENTH SESSION

Geneva, 31 July - 25 August 1995

Rapporteur: Mr. José Bengoa

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I. DRAFT RESOLUTIONS AND DECISIONS RECOMMENDED TO THE COMMISSION ON HUMAN RIGHTS FOR ADOPTION

A. Draft resolutions

I. Question of human rights and states of emergency

The Commission on Human Rights,

Endorsing resolution 1995/33 of 24 August 1995 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recommends the following draft resolution to the Economic and Social Council for adoption:

"The Economic and Social Council,

Recalling Commission on Human Rights resolution 1996/... of ... 1996 and Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1995/33 of 24 August 1995, entitled 'Question of human rights and states of emergency',

1. Approves the Sub-Commission's request to the Special Rapporteur on human rights and states of emergency, Mr. Leandro Despouy, to fulfil his mandate, in particular relating to (i) the updating of the lists of States which have proclaimed, extended or terminated a state of emergency; (ii) the submission of conclusions and recommendations concerning non-derogable rights in states or situations of emergency; and (iii) the continuation of his consultations on the establishment of a database on states of emergency and related human rights questions;

2. Requests the Secretary-General to provide the Special Rapporteur with the necessary human and material resources to fulfil his mandate."

[See chap. II, sect. A, resolution 1995/33, and chap. XI.]

II. Protection of the heritage of indigenous peoples

The Commission on Human Rights,

Taking note with approval of resolution 1995/40 of 25 August 1995 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Recommends to the Economic and Social Council the following draft resolution for adoption:

"The Economic and Social Council,

Endorsing Commission on Human Rights resolution 1996/... of ... 1996 and resolution 1995/40 of 25 August 1995 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

1. Requests the Secretary-General to transmit the final report of the Special Rapporteur, Mrs. Erica-Irene A. Daes, with its annex, as soon as possible to Governments, specialized agencies, indigenous people's communities and organizations, and intergovernmental and non-governmental organizations concerned, for their comments;

2. Requests the Special Rapporteur to prepare a supplementary report on the basis of the comments and information received from Governments, indigenous communities and other organizations concerned and to include in it a chapter concerning relevant activities undertaken in other forums, such as the United Nations Development Programme, the United Nations Educational, Scientific and Cultural Organization, the Food and Agriculture Organization of the United Nations, the World Intellectual Property Organization and the World Trade Organization, and to take into consideration, inter alia, the Convention on Biological Diversity, the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa and other relevant international instruments;

3. Also requests the Special Rapporteur to submit her supplementary report to the Sub-Commission at its forty-eighth session;

4. Requests the Secretary-General to provide the Special Rapporteur with all the necessary assistance to enable her to carry out her mandate and to complete the study successfully;

5. Decides that the basic and comprehensive study prepared by the Special Rapporteur on the protection of the cultural and intellectual property of indigenous peoples (E/CN.4/Sub.2/1993/28) shall be published in all official languages and disseminated widely."

[See chap. II, sect. A, resolution 1995/40, and chap. XV.]

B. Draft decisions

1. Systematic rape and sexual slavery during periods of armed conflict

The Commission on Human Rights, taking note of resolution 1995/14 of 18 August 1995 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the decision of the Sub-Commission to appoint Ms. Linda Chavez as Special Rapporteur with the task of undertaking an in-depth study of the situation of systematic rape, sexual slavery and slavery-like practices during periods of armed conflict. The Commission also decides to invite Governments, competent bodies of the United Nations, the specialized agencies, regional intergovernmental organizations and non-governmental organizations to provide or continue to provide information on this question, and recommends the following draft decision to the Economic and Social Council for adoption:

> "The Economic and Social Council, taking note of Commission on Human Rights decision 1996/... of ... 1996, approves the endorsement by the Commission on Human Rights of the decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to appoint Ms. Linda Chavez as Special Rapporteur with the task of undertaking an in-depth study of the situation of systematic rape, sexual slavery and slavery-like practices during periods of armed conflict and to submit a preliminary report to the Sub-Commission at its forty-eighth session and a final report at its forty-ninth session, and requests the Secretary-General to provide all assistance necessary to enable her to complete her study."

[See chap. II, sect. A, resolution 1995/14,
and chap. XVI.]

2. Question of the implications for human rights of United Nations action, including humanitarian assistance, in addressing international humanitarian problems and in the promotion and protection of human rights

The Commission on Human Rights, taking note of resolutions 1994/25 of 26 August 1994 and 1995/19 of 24 August 1995 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the Sub-Commission's recommendation that it be authorized to appoint one of its members as special rapporteur on the question of the implications for human rights of United Nations action under the Charter, including humanitarian assistance, in addressing international humanitarian problems and in the promotion and protection of human rights, and recommends the following draft decision to the Economic and Social Council for adoption:

> "The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/... of ... 1996 and of resolution 1995/19 of 24 August 1995 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, authorizes the appointment of a member of the Sub-Commission as special rapporteur on the question of the implications for human rights of United Nations action under the Charter, including humanitarian assistance, in addressing international humanitarian problems and in the promotion and protection of human rights."

[See chap. II, sect. A, resolution 1995/19,
and chap. XX.]

3. Recognition of gross and large-scale violations of human rights as an international crime

The Commission on Human Rights, taking note of resolution 1995/22 of 24 August 1995 of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities, endorses the recommendation of the Sub-Commission to appoint Mr. Stanislav Chernichenko as Special Rapporteur to prepare a report on the recognition of gross and large-scale violations of human rights perpetrated on the orders of Governments or sanctioned by them as an international crime, and requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the completion of his task.

[See chap. II, sect. A, resolution 1995/22, and chap. V.]

4. Forced evictions

The Commission on Human Rights, taking note of resolution 1995/29 of 24 August 1995 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the request of the Sub-Commission to the Secretary-General to convene an expert seminar on the practice of forced evictions and the relationship of this practice to internationally recognized human rights, with a view to developing comprehensive human rights guidelines on development-based displacement.

[See chap. II, sect. A, resolution 1995/29, and chap. IX.]

5. Effects on the full enjoyment of human rights of structural adjustment programmes

The Commission on Human Rights, taking note of resolution 1995/32 of 24 August 1995 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decides to establish an open-ended working group of the Commission to meet for a period of one week prior to its fifty-third session to elaborate, on the basis of the preliminary set of basic policy guidelines on structural adjustment programmes and economic, social and cultural rights contained in document E/CN.4/Sub.2/1995/10 and in close cooperation with the Committee on Economic, Social and Cultural Rights, policy guidelines on the subject-matter. The Commission also decides to invite Governments and intergovernmental organizations and non-governmental organizations, as well as the Committee on Economic, Social and Cultural Rights, to contribute to the elaboration of draft policy guidelines by providing their comments on the preliminary set of basic policy guidelines for consideration by the working group, and recommends the following draft decision to the Economic and Social Council for adoption:

> "The Economic and Social Council, taking note of Commission on Human Rights decision 1996/... of ... 1996, approves the decision of the Commission on Human Rights to establish an open-ended working group of

the Commission to meet for a period of one week prior to its fifty-third session to elaborate, on the basis of the preliminary set of basic policy guidelines on structural adjustment programmes and economic, social and cultural rights contained in document E/CN.4/Sub.2/1995/10 and in close cooperation with the Committee on Economic, Social and Cultural Rights, policy guidelines on the subject-matter, and requests the Secretary-General to provide all the assistance necessary to enable the working group to carry out its work."

[See chap. II, sect. A, resolution 1995/32,
and chap. IX.]

6. United Nations Voluntary Fund for Indigenous Populations

The Commission on Human Rights, taking note of resolution 1995/36 of 24 August 1995 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, requests the Economic and Social Council that it recommend that the General Assembly update its resolution 40/131 of 13 December 1985 on the United Nations Voluntary Fund for Indigenous Populations by adding in subparagraph (b) the words "and the working group established by the Commission on Human Rights in its resolution 1995/32 of 3 March 1995" after the words "Working Group on Indigenous Populations".

[See chap. II, sect. A, resolution 1995/36,
and chap. XV.]

7. Discrimination against indigenous peoples

The Commission on Human Rights, taking note of resolution 1995/38 of 24 August 1995, of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the request of the Sub-Commission to recommend that the Economic and Social Council authorize the Working Group on Indigenous Populations to meet for eight working days prior to the forty-eighth session of the Sub-Commission.

[See chap. II, sect. A, resolution 1995/38,
and chap. XV.]

8. Permanent forum in the United Nations for indigenous people

The Commission on Human Rights, taking note of resolution 1995/39 of 24 August 1995 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the recommendation of the Sub-Commission that the Centre for Human Rights organize a second workshop on a possible permanent forum for indigenous people with the participation of independent experts and representatives of Governments, indigenous organizations and United Nations bodies and specialized agencies, and requests the Secretary-General to prepare a review of existing mechanisms, procedures and programmes for coordination and promotion of the rights of indigenous people within the United Nations, to be submitted as a background document for the proposed second workshop.

[See chap. II, sect. A, resolution 1995/39, and chap XV.]

9. Human rights dimensions of population transfer, including the implantation of settlers and settlements

The Commission on Human Rights, taking note of decision 1995/111 of 24 August 1995 and resolution 1994/42 of 26 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the recommendation of the Sub-Commission to request the Special Rapporteur to submit his final report to the Sub-Commission at its forty-eighth session, and to request the Secretary-General to provide the Special Rapporteur with all the assistance necessary in order to allow him to complete his work.

[See chap. II, sect. B, decision 1995/111, and chap. XIX.]

10. Study on treaties, agreements and other constructive arrangements between States and indigenous populations

The Commission on Human Rights, taking note of decision 1995/118 of 24 August 1995, and recalling resolutions 1989/38 of 29 August 1989 and 1990/28 of 31 August 1990 and decisions 1991/111 of 29 August 1991, 1992/110 of 24 August 1992 and 1994/116 of 26 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the recommendation of the Sub-Commission to request the Special Rapporteur, Mr. Miguel Alfonso Martínez, to submit his second progress report on the study on treaties, agreements and other constructive arrangements between States and indigenous populations to the Working Group on Indigenous Populations at its thirteenth session and to the Sub-Commission at its forty-seventh session and decides to request the Special Rapporteur to submit a third report to the Working Group at its fourteenth session and to the Sub-Commission at its forty-eighth session and a final report to both bodies at their fifteenth and forty-ninth sessions respectively. The Commission also decides to request the Secretary-General to give the Special Rapporteur all the assistance necessary to enable him to continue and conclude his study, in particular by providing for specialized research assistance and for the necessary visits to Geneva for consultation with the Centre for Human Rights, and the resources necessary for a field mission to examine *in situ* the contemporary significance of a historic treaty in one country to be determined in consultation with the Government concerned as a practical example for inclusion in the final report.

[See chap. II, sect. B, decision 1995/118, and chap. XV.]

II. RESOLUTIONS AND DECISIONS ADOPTED BY THE SUB-COMMISSION AT ITS FORTY-SEVENTH SESSION

A. Resolutions

1995/1. Expression of solidarity with the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia, Mr. Tadeusz Mazowiecki

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Bearing in mind the letter addressed by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia, to the Secretary-General of the United Nations on 27 July 1995,

Deeply shocked by the events occurring daily in Bosnia and Herzegovina, where, as the letter indicates, human rights violations continue blatantly, there are constant blockades of the delivery of humanitarian aid, crimes have been committed with swiftness and brutality and the civilian population is shelled remorselessly,

Agreeing with the Special Rapporteur for the former Yugoslavia that the response of the international community has been slow and ineffectual, with the result that the declarations and decisions of the system for the protection of human rights lose credibility and have been seriously challenged by the events occurring in Bosnia and Herzegovina,

Supporting the Special Rapporteur for the former Yugoslavia when he states that the character of his mandate only allows him to further describe crimes and violations of human rights, but noting that this is not sufficient at the present time,

Respecting and commending the decision of the Special Rapporteur for the former Yugoslavia that he does not see any possibility of continuing his mandate,

Considering that the decision of the Special Rapporteur for the former Yugoslavia has shaken and moved the members of the Sub-Commission by its great dignity and endowed the function entrusted to him by the United Nations and the struggle for human rights in general with high moral character,

Recognizing the dedication shown by the Special Rapporteur in his work in Bosnia and Herzegovina, which is reflected in the gesture he has made,

Noting that a veritable genocide is being committed massively and in a systematic manner against the civilian population in Bosnia and Herzegovina, often in the presence of United Nations forces, Sharing the moral indignation reflected in the letter of the Special Rapporteur for the former Yugoslavia addressed to the Secretary-General,

Alarmed at the acts of so-called "ethnic cleansing" and humiliation and the perpetration of atrocities such as summary executions of innocent civilians, mass rape, destruction and looting of property and terrorizing of the population, which have resulted in huge movements of displaced persons and refugees, thus causing pain, homelessness and famine,

1. Expresses its solidarity with and support for the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia, Mr. Tadeusz Mazowiecki, for his moral and courageous stand and his resignation in protest at the perpetuation of gross violations in Bosnia and Herzegovina;

2. Stresses its grave concern at the genocidal and massive violations of human rights to which the civilian population in Bosnia and Herzegovina is being subjected;

3. Decides to convey the present resolution immediately to the Secretary-General of the United Nations and to request him to take urgently all necessary measures to stop these violations and secure the human rights of the people of Bosnia and Herzegovina.

6th meeting
3 August 1995
[Adopted without a vote. See chap. VII.]

1995/2. Situation in the Middle East

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Noting General Assembly resolutions 48/58 of 14 December 1993 and 49/88 of 16 December 1994, Commission on Human Rights resolutions 1994/4 of 18 February 1994 and 1995/6 of 17 February 1995, Economic and Social Council resolutions 1994/44 of 29 July 1994 and 1995/52 of 28 July 1995 and its own resolution 1994/13 of 25 August 1994,

Recalling the convening of the International Peace Conference on the Middle East at Madrid on 30 October 1991, on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973, and the subsequent bilateral negotiations, as well as the meetings of the multilateral working groups,

Noting with satisfaction the broad international support for the peace process and its contribution to the implementation and furtherance of human rights in the area, Welcoming the Declaration of Principles on Interim Self-Government Arrangements, signed by the Government of Israel and the Palestine Liberation Organization in Washington, D.C., on 13 September 1993, and the subsequent agreement on the Gaza Strip and the Jericho area, signed by the Government of Israel and the Palestine Liberation Organization, the representative of the Palestinian people, at Cairo on 4 May 1994,

Welcoming also the Agreement between Israel and Jordan on the Common Agenda, signed in Washington, D.C. on 14 September 1993, the Washington Declaration signed by the Governments of Jordan and Israel on 25 July 1994, and the Jordan-Israel Treaty of Peace of 26 October 1994,

1. Reaffirms that the achievement of a comprehensive, just and lasting peace in the Middle East is essential for the implementation and furtherance of human rights and fundamental freedoms in the area;

2. Welcomes the peace process begun at Madrid and warmly supports the subsequent bilateral negotiations through which it has been continued;

3. Endorses the achievements of the peace process to date, which constitute important initial steps in achieving a comprehensive, just and lasting peace in the Middle East, and urges all parties to implement the agreements which have been reached, expressing the hope that successful steps will be taken soon;

4. Emphasizes the importance of making progress, as a matter of urgency, on the other tracks of the Arab-Israeli negotiations within the peace process;

5. Supports the request by the Economic and Social Council that all States Members of the United Nations render support for the peace process and extend economic, financial and technical assistance to parties in the region, taking into account, in particular, the needs of the Palestinian people, especially during the interim period;

6. Expresses its full support for the active role which the United Nations is playing in the peace process, and in particular for its assistance in implementing the Declaration of Principles on Interim Self-Government Arrangements signed by the State of Israel and the Palestine Liberation Organization.

26th meeting
18 August 1994
[Adopted without a vote. See chap. VII.]

1995/3. Situation of human rights in Iraq

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling the Vienna Declaration and Programme of Action (A/CONF.157/23) endorsed by the General Assembly in its resolution 48/121 of 20 December 1993, in particular, part I, paragraph 1, which reaffirms, inter alia, that human rights and fundamental freedoms are the birthright of all human beings and that their protection and promotion are the first responsibility of Governments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that Iraq is a party to the International Covenants on Human Rights and to other human rights instruments,

Recalling Security Council resolution 688 (1991) of 5 April 1991, in which the Council demanded an end to the repression of the Iraqi civilian population and insisted that Iraq cooperate with humanitarian organizations to ensure that the human and political rights of all Iraqi citizens were respected,

Recalling also Security Council resolutions 706 (1991) of 15 August 1991 and 712 (1991) of 19 September 1991, authorizing Iraq to sell part of the oil it produces to satisfy food and medical requirements,

Considering Security Council resolution 986 (1995), of 14 April 1995, which was adopted unanimously and authorizes the Government of Iraq to put additional quantities of its oil on the market to meet the basic health and nutritional needs of the Iraqi people,

Concerned by accumulated information and reports confirming the serious deterioration of the health and nutritional situation from which the majority of citizens with limited income suffer as victims of the international embargo, as well as by economic policy decisions depriving part of the national territory of supplies of medicines and foodstuffs,

Mindful that the United Nations has not yet sent a fact-finding mission to the marshlands region of southern Iraq,

Recalling its resolution 1994/14 of 25 August 1994, Recalling in particular its resolution 1993/20 of 20 August 1993, in which it condemned the violations of human rights by the Government of Iraq and urged the implementation of Security Council resolution 688 (1991) of 5 April 1991, in which the Council demanded an end to the repression of the Iraqi civilian population,

Deeply concerned by recent information that the population continues to flee the marshlands region, that thousands of Arab Shiah have sought refuge on the border between Iraq and the Islamic Republic of Iran because of artillery bombardment and the programme conducted by the Iraqi Government to drain the southern marshlands, which have led to a mass exodus in the direction of the border with the Islamic Republic of Iran,

Deeply concerned also by the continued massive repression of the Arab Shiah population in the south of Iraq, particularly those who are under siege by the Iraqi armed forces there,

Concerned also by recent operations involving persecution, arbitrary imprisonment and summary executions in the town of Ramadi in the west of the country following popular demonstrations condemning the execution of Iraqis from that region in June 1995,

Horrified by the recent large-scale imprisonments and executions of members of the Arab Dulaim tribes living in western Iraq,

Deeply concerned about the continuing terrorist acts of the Iraqi Government, both inside and outside the country, against opposition leaders and United Nations personnel,

Concerned also by the heavy artillery bombardment of Kurdish regions, which has become very widespread in recent months and has particularly affected the city of Arbil,

Expressing its horror at the implementation of decrees of the Council of the Revolution calling for inhuman punishment for deserters and opponents, including tattooing of the forehead and mutilation of ears, fingers and wrists,

Horrified by the fact that widespread and institutionalized torture continues to be practised as a result of the enactment of a set of decrees to that effect in 1994,

Deeply concerned that Iraq still refuses to cooperate with the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq, Mr. M. van der Stoel, and to permit him to visit Iraq to investigate human rights violations and refuses categorically to introduce a monitoring system, as twice requested by the General Assembly and the Commission on Human Rights,

Recalling the report of the Special Rapporteur on the situation of human rights in Iraq (E/CN.4/1995/56), in which he notes the continued massive and grave violations of human rights by the Government of Iraq, such as summary and arbitrary executions, torture and other cruel, inhuman or degrading treatment, including that provided for in the decrees calling for the mutilation and tattooing of the foreheads of deserters and doctors refusing to implement the decrees, enforced or involuntary disappearances, arbitrary arrest and detention, lack of due process and the rule of law and of freedom of thought, expression and association, as well as the existence of specific and serious discrimination within the country in terms of access to food and health care,

Deeply concerned by the internal embargo maintained by the Government against the Kurdish population in the north of Iraq and the Arab Shiah population in the southern marshlands,

1. Expresses its concern at the exceptional gravity of the human rights situation in Iraq and therefore welcomes the proposal of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq, contained in his report (E/CN.4/1995/56), that human rights monitors should be deployed;

2. Calls upon the Government of Iraq immediately to halt its artillery bombardment, to cease all draining schemes and destruction of the marshes and to lift the internal embargo imposed in October 1991 on the populations of the marshlands;

3. Requests the Government of Iraq to abide by the various Security Council resolutions, particularly resolution 986 (1995) of 14 April 1995, which would permit it to sell some of its oil to meet the health and food needs of its population;

4. Appeals to the international community, to the organizations of the United Nations system and to the Government of Iraq to facilitate the delivery and distribution of medicines and foodstuffs to the population of the various parts of the country;

5. Invites the international community to take the necessary measures to provide assistance to Iraqi citizens and to prevent unprecedented ecological and human disasters, such as mass exoduses and higher infant mortality;

6. Calls upon the Government of Iraq to cease its internal embargo against the north and the Shiah populations in the south, areas which are both still under siege, and to re-establish the electricity supply to both regions;

7. Also calls upon the Government of Iraq to cease its terrorist acts against opposition leaders and United Nations personnel;

8. Further calls upon the Government of Iraq to put an end to the arbitrary arrests and imprisonment and summary executions of the members of the Dulaim tribes in the west of the country;

9. Calls for the cessation of the heavy artillery bombardment of Kurdish regions by the Iraqi army;

10. Demands the repeal of the inhuman decrees providing for the tattooing and mutilation of opponents, as well as the rehabilitation of the victims of those decrees;

11. Urges the Special Rapporteur on the situation of human rights in Iraq to visit the border and the marshlands and to report his findings to the General Assembly;

12. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur to undertake his mission;

13. Also requests the Secretary-General to call upon the Government of Iraq to cooperate with the Special Rapporteur;

14. Urges the implementation of Security Council resolution 688 (1991) of 5 April 1991 and of the recommendations of the Special Rapporteur to station permanent monitors in the area of the marshlands and establish permanent aid centres;

15. Strongly condemns the violations of human rights by the Government of Iraq and the horrible deterioration of social conditions and decides to keep the situation of human rights in Iraq under review at future sessions of the Sub-Commission.

26th meeting
18 August 1995
[Adopted by secret ballot by 15 votes to 5,
with 4 abstentions. See chap. VII.]

1995/4. Prevention of incitement to hatred and genocide, particularly by the media

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles embodied in the Charter of the United Nations and the Universal Declaration of Human Rights and, in particular, in the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, which prohibit all dissemination of ideas or incitement to acts of violence against any group of persons of another ethnic origin (art. 4 of the Convention), or any advocacy of racial hatred that constitutes incitement to hostility or violence (art. 20, para. 2, of the Covenant) and call for them to be punishable by law,

Recalling that the States Parties to those instruments have undertaken, before the international community, to put those principles into practice and to fulfil the obligations which they have entered into, Emphasizing that, in their final report to the Sub-Commission on the right to freedom of opinion and expression (E/CN.4/Sub.2/1992/9 and Add.1), the Special Rapporteurs, Mr. Joinet and Mr. Türk, recall that, under international law, racism is not an opinion but an offence,

Having particularly in mind General Assembly resolution 48/91, of 20 December 1993, proclaiming the Third Decade to Combat Racism and Racial Discrimination, in which the Assembly recommended that Member States and those responsible for United Nations machinery for the protection of human rights should pay special attention to the role of the media in the dissemination of racist ideas and incitement to hatred and racial violence,

Recalling that the Convention on the Prevention and Punishment of the Crime of Genocide singles out direct and public incitement to commit genocide, in particular, as a punishable offence (arts. III (c) and IV), provides that such acts shall not be considered as political crimes for the purpose of extradition (art. VII) and invites any Contracting Party to call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide, including incitement to commit them, as provided in article III (c) (art. VIII),

Gravely concerned by the import of detailed and tallying information that the reporters of a radio station calling itself "Radio Démocratie-La Voix du Peuple", transmitting from the Uvira region of Zaire, broadcast with complete impunity, under cover of anonymity, "information" inciting racial hatred among Burundi citizens and stirring up genocidal hatred,

1. Condemns categorically the existence of this radio station and of any other media adopting such criminal practices;

2. Urges the authorities of Zaire, as a Party to the above-mentioned international instruments, to take steps to close down this radio station, prosecute its sponsors and "reporters", order an investigation and, in that connection, place under seal all materials and recordings which may serve as evidence, and to bring the "reporters" and their sponsors before the competent courts;

3. Suggests that the Special Rapporteur on Zaire, Mr. Roberto Garreton, in conjunction with the Special Rapporteur on Burundi, Mr. Paolo Sergio Pinheiro, accord priority in his observations to the role of such media, audiovisual or otherwise, in the propagation of genocidal behaviour;

4. Requests the Secretary-General to transmit this resolution to the Zairian authorities and asks the United Nations High Commissioner for Human Rights to use his good offices, as a matter of urgency, to facilitate its implementation by those authorities;

5. Condemns categorically the role played with increasing frequency by some printed or audiovisual media in inciting genocidal hatred, as revealed by the Special Rapporteurs on the former Yugoslavia and on Rwanda, Mr. Mazowiecki and Mr. Degni-Ségui;

6. Decides to consider at its next session, in the light of the facts observed and the recommendations made by the Special Rapporteurs who have been confronted with such practices, as well as of any other information from reliable sources, the pernicious and genocidal role of such hate media and the priority measures to be taken to prevent and, if necessary, to suppress them.

27th meeting
18 August 1995
[Adopted without a vote. See chap. VII.]

1995/5. Situation of human rights in Rwanda

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Deeply concerned at the convincing and appalling evidence of the genocide resulting from the massacres of the Tutsis, the political assassinations of the Hutus and the various attacks on human rights in Rwanda,

Conscious that this tragedy is the outcome of policies of discrimination which have divided the people of Rwanda and brought great suffering,

Conscious also of the pernicious role played, both in the past and at the present time, by certain States, groups or individuals in the tragedy of Rwanda,

Convinced of the urgent need to take all requisite steps to put an end to this situation,

Recalling its resolution 1994/1 of 9 August 1994 and Commission on Human Rights resolution 1995/91 of 8 March 1995,

1. Condemns once again the genocide committed in Rwanda;

2. Demands an immediate end to all action, carried out with the complicity of certain States, aimed at arming and training the militias and extremist elements in the refugee camps for the resumption of the war in Rwanda;

3. Deplores the fact that the efforts of the international community, including the United Nations and its various organs, are still inadequate, whereas the duty of trying those responsible for the genocide and war crimes does not devolve solely on the Government of Rwanda;

4. Calls for every appropriate measure to be taken to reorganize the Rwandan judicial system;

5. Encourages the voluntary return of Rwandan refugees and their social reintegration, endeavouring to ensure the safety of all the vulnerable groups in all the communes;

6. Calls on the international community immediately to provide the necessary assistance so that the International Tribunal for Rwanda can function and begin without delay the trials of those accused of genocide in Rwanda;

7. Demands that the Government of Rwanda and the international community use all possible means to contain the epidemics of dysentery and pneumonia as well as the gangrene, which are decimating the detainees in Rwandan prisons, as a result of overcrowding and inhuman conditions of detention;

8. Appeals once again to the Government of Rwanda and the international community to provide, with the collaboration of the Organization of African Unity, all the help and assistance needed for the establishment of a State governed by the rule of law and for the reconstruction of the country, in conformity with the decisions and the interests of the people of Rwanda;

9. Calls for the individuals implicated in the war crimes, crimes against humanity and genocide in Rwanda who have already been identified to be punished in order to guarantee the victims or their heirs fair compensation in accordance with the principles of international law;

10. Invites the Government of Rwanda to seek and identify the individuals implicated in the political assassinations carried out in Rwanda and to establish their responsibility;

11. Calls for the earliest possible adoption of appropriate measures by States which have granted asylum or other refuge to the individuals implicated in the genocide and massacres that have plunged Rwanda into mourning, so that they do not escape justice;

12. Stresses the urgency of starting the trials of the individuals implicated in the genocide in order to thwart the designs of those who might be tempted to seek revenge, including the survivors who are demanding justice;

13. Expresses the hope that these measures will be appropriately pursued so that the crimes perpetrated in the country do not continue to go unpunished, crimes which are also an open wound in the side of humanity and which can heal only when the criminals are brought to trial in order to restore honour and dignity to the victims, to the survivors and to those who courageously opposed the criminals;

14. Pays tribute to the work of the United Nations High Commissioner for Human Rights in Rwanda, especially the programmes he has established to reorganize the judicial system, promote education, human rights and technical cooperation and investigate the genocide;

15. Also pays tribute to the considerable work accomplished by the Special Rapporteur on Rwanda, Mr. Degni-Ségui, despite the many obstacles he has encountered and the pressure and threats to which he has been subjected;

16. Appeals to the international community to make a financial contribution to the development and education programmes in the field of human rights.

27th meeting
18 August 1995
[Adopted without a vote. See chap. VII.]

1995/6. Situation in Colombia

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977,

Disturbed by continuing allegations of severe violations of human rights in Colombia,

Disturbed also by allegations of continued violations of humanitarian standards by armed opposition groups,

Taking note of the statement made by the Chairman of the Commission of Human Rights at its fifty-first session acknowledging the receipt of a written communication from the Permanent Representative of Colombia pledging the cooperation of his Government with the thematic special procedures of the Commission and with the Office of the High Commissioner for Human Rights (E/1995/23-E/CN.4/1995/176, para. 595),

Acknowledging with appreciation the ratification by Colombia of Protocol II Additional to the Geneva Conventions of 12 August 1949 and the efforts by the Government of Colombia to reform the military justice system, as well as the existence in the 1991 Constitution of a broad catalogue of rights and fundamental freedoms and mechanisms for their protection,

Noting with appreciation that the High Commissioner for Human Rights, in cooperation with the Government of Colombia, has appointed Mr. Philip Texier to evaluate the needs of Colombia in terms of advisory services, with a view to establishing an office for that purpose in Colombia,

Recognizing the public acceptance by the President of Colombia of the conclusions of the special commission created to investigate the violent events which occurred in the municipality of Trujillo, Valle del Cauca, in 1990, in which State responsibility was established for the torture, enforced disappearance and execution of more than 100 rural workers, and the

President's announcement that he would adopt the recommendations of the commission directed at repairing the damage suffered by the families of the victims and at bringing to justice the persons responsible,

Concerned, however, by statements of the Working Group on Enforced or Involuntary Disappearances according to which there are 713 unresolved cases of enforced disappearance, and by the fact that the Government in July 1994 vetoed a draft law proscribing the enforced disappearance of persons, which motivated the Working Group to express its concern about the situation in two separate letters addressed to the Government, with no response (E/CN.4/1995/36, para. 135),

Noting with appreciation, however, that the President of Colombia has taken steps to obtain ratification without reservation of the Inter-American Convention on Enforced Disappearances,

Concerned by the observations made in the joint report of the Special Rapporteurs on extrajudicial, summary or arbitrary executions and on the question of torture, prepared after their visit to Colombia in October 1994 and presented to the Commission on Human Rights at its fifty-first session, that the vast majority of recommendations made by the representatives of various United Nations human rights mechanisms that visited Colombia in 1987, 1988 and 1989 have not been implemented (E/CN.4/1995/111, para. 131),

Recalling that the Special Rapporteurs, in their joint report, recommended that the Commission should keep the human rights situation in Colombia under particularly close scrutiny, with a view to the appointment, unless the situation improved radically in the near future, of a special rapporteur who could ensure permanent monitoring of and reporting on the human rights situation and who could cooperate closely with the technical assistance programme (E/CN.4/1995/111, para. 132),

1. Expresses its thanks to the Government of Colombia for allowing access by the thematic rapporteurs and other agencies and bodies of the United Nations, and for its cooperation with the High Commissioner for Human Rights;

2. Expresses its appreciation for the steps taken by the Government which are intended to curb violations committed by some elements of the security forces and by paramilitary groups, but deeply disturbed that serious violations nevertheless continue;

3. Calls on the Government of Colombia to implement the recommendations made by the thematic rapporteurs and the Working Group on Enforced or Involuntary Disappearances, and to report to the Commission on Human Rights at its fifty-second session on the measures taken;

4. Recommends that the Commission on Human Rights consider at its fifty-second session the developments in Colombia by examining the measures taken by the Government to implement the recommendations made by the thematic rapporteurs and the Working Group.

27th meeting
18 August 1995
[Adopted without a vote. See chap. VII.]

1995/7. Situation of human rights in Guatemala

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights and the other international human rights instruments, as well as by the relevant norms and principles of international humanitarian law,

Recalling its resolution 1994/23 of 25 August 1994,

Bearing in mind that the Commission on Human Rights, in its resolution 1995/51 of 3 March 1995, took note of the report of the independent expert on the situation of human rights in Guatemala (E/CN.4/1995/15),

Gratified by the signature on 31 March 1995 of the Agreement between the Government of Guatemala and Unidad Revolucionaria Nacional Guatemalteca on the Identity and Rights of the Indigenous Peoples, containing provisions to strengthen and improve democratic institutions so that they can respond appropriately to the new definition of the country as a multi-ethnic, multicultural and multilingual nation, and by the fact that the parties are currently dealing with the substantive issues pending in the negotiating process,

Recognizing the relevance of the contributions by the Assembly of Civil Society and the Group of Friendly Countries to the negotiating process,

Taking into consideration the fact that on 19 September 1994 the General Assembly established the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA), which began operations in Guatemala on 21 November 1994 and has already submitted two reports (A/49/856 and A/49/929),

Deeply concerned that the majority of human rights violations reported are violations of the right to life, of the integrity and security of the person or of liberty in which agents of the State are supposedly implicated or in which the State has failed in its duty to provide safeguards, Concerned at the persistent problem of impunity manifested in the serious difficulties that investigations and legal proceedings encounter in making progress, and in the inability of the judicial system to bring to justice those intellectually and materially responsible,

Noting that general elections are to be held in Guatemala on 12 November 1995,

Concerned at the high level of abstentions in recent elections, in part because the climate of violence does not favour widespread participation by the population,

Also concerned at the marginalization and discrimination that the indigenous peoples of Guatemala continue to suffer, at the situation of the internally displaced people, most of them Mayan, and at the difficult conditions facing returnees and refugees,

1. Expresses its support for the process of negotiations between the Government of Guatemala and Unidad Revolucionaria Nacional Guatemalteca and expresses its appreciation to the United Nations Moderator, the Assembly of Civil Society and the Group of Friendly Countries for their efforts to bring about a firm and lasting peace;

2. Expresses its satisfaction at the Agreement on the Identity and Rights of the Indigenous Peoples, which contains undertakings that, besides representing great advances for Guatemala, could be taken into account by countries with similar characteristics in that they envisage novel approaches to the recognition of indigenous institutions, official status for indigenous languages and judicial reforms;

3. Reiterates its support for the independent expert on the situation of human rights in Guatemala;

4. Expresses its support and appreciation to MINUGUA for the efforts it has been making since its inception to verify the Comprehensive Agreement on Human Rights;

5. Expresses its deepest concern that the signature of the Comprehensive Agreement on Human Rights and the presence of MINUGUA in Guatemala have not resulted in a substantial improvement in the human rights situation, given that grave violations affecting the right to life, to the integrity and security of the person and to liberty continue to occur;

6. Urges the Government of Guatemala to intensify its efforts to guarantee complete respect for human rights on the part of all authorities and of the armed forces and security forces, and to bring to justice those responsible for human rights violations, upholding the proper administration of justice;

7. Also urges the Government of Guatemala to ensure that the judicial system can operate with due protection being afforded to magistrates, investigators, witnesses and members of victims' families; to facilitate the

activities of official and non-governmental human rights organizations; and to provide compensation to victims of human rights violations in accordance with the Comprehensive Agreement on Human Rights;

8. Takes note of the decision of the Government of Guatemala to suspend forcible military recruitment and the announced disbandment of the military commissioners, and urges the Guatemalan Congress to approve the corresponding laws as soon as possible;

9. Requests the Government of Guatemala to take the necessary measures to generate optimum conditions so as to enable elections to take place in the appropriate political climate, and asks the parties to the negotiations to give consideration to appropriate measures to ensure unrestricted exercise of political rights;

10. Also requests the Government of Guatemala to support the Supreme Electoral Tribunal's programmes to facilitate participation by citizens and the enfranchisement of the entire population, including internally displaced people, the so-called "Communities of Populations in Resistance", as well as returnees, and to provide information in indigenous peoples' languages;

11. Strongly exhorts the Government of Guatemala to set in train, as recommended by the independent expert, the dismantling of the system of Voluntary Self-Defence Committees so as to ensure, before the elections, maximum participation in the electoral process, averting any danger of intimidation;

12. Takes note with satisfaction of the first decisions by Unidad Revolucionaria Nacional Guatemalteca to suspend activities affecting the economic infrastructure of the country, and urges it to extend those decisions to cover other activities that also affect civilian property;

13. Takes note with appreciation of the encouragement the people of Guatemala have received from political and social circles to participate widely in the forthcoming elections so as to consolidate democracy;

14. Requests the General Assembly to look favourably on the request to extend the mandate of MINUGUA so as to ensure verification of the Comprehensive Agreement on Human Rights, and requests the international community to support MINUGUA financially;

15. Requests the Commission of the European Union, the Organization of American States and the United Nations to provide the economic and practical support that the Supreme Electoral Tribunal may seek in order to ensure a clear and transparent electoral process;

16. Urges the international community to consider sending observers to Guatemala to ensure that the electoral process works properly before, during and after the elections;

17. Requests the Government of Guatemala to give priority to the expansion of economic and social development programmes, in particular policies and programmes affecting indigenous peoples, with the full participation of representatives of such peoples and taking into account their proposals and criteria in the light of the Agreement on the Identity and Rights of the Indigenous Peoples;

18. Requests the Government of Guatemala and Unidad Revolucionaria Nacional Guatemalteca to step up their efforts to apply the Comprehensive Agreement on Human Rights that has been in force since 29 March 1994, to comply with the recommendations of MINUGUA and to consider giving swift effect to urgent provisions of the Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict and of the Agreement on the Identity and Rights of the Indigenous Peoples;

19. Calls on the Government of Guatemala and Unidad Revolucionaria Nacional Guatemalteca to pursue the negotiating process in depth and swiftly; on the Secretary-General of the United Nations to provide the necessary means for that process; on the Group of Friendly Countries to continue its good offices; and on the Assembly of Civil Society to continue to take part in the process.

27th meeting
18 August 1995
[Adopted without a vote. See chap. VII.]

1995/8. Situation in the territory of the former Yugoslavia

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977,

Observing with utter dismay that all the above instruments are being grossly violated by some of the parties to the conflict in the former Yugoslavia,

Convinced that the international response to the violations taking place in the former Yugoslavia is a test case of the human rights mission of the United Nations as a whole, Recalling its resolution 1993/17 of 20 August 1993 and Commission on Human Rights resolutions 1992/S-1/1 of 14 August 1992, 1992/S-2/1 of 1 December 1992, 1993/7 and 1993/8 of 23 February 1993, 1994/75 and 1994/77 of 9 March 1994 and 1995/89 of 8 March 1995,

Recalling also Security Council resolution 824 (1993) of 6 May 1993 and 836 (1993) of 4 June 1993, in which the Council declared that Sarajevo, Tuzla, Zepa, Gorazde, Bihac, Srbenice and their surroundings should be treated as safe areas and that international humanitarian agencies should be given free and unimpeded access to those areas,

Recalling further the decision adopted by the World Conference on Human Rights on 15 June 1993 (A/CONF.157/24 (Part I), chap. IV) to appeal to the Security Council to end the genocide taking place in Bosnia and Herzegovina,

Reiterating its admiration for the dedication shown by the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia, Mr. Tadeuz Mazowiecki, and for his work in the whole of the former Yugoslavia and in particular in Bosnia and Herzegovina, as expressed in its resolution 1995/1,

Having noted with the utmost anguish the reports of the Special Rapporteur, and disturbed by the lack of attention to his recommendations which made him conclude that the response of the international community had been slow and ineffectual and that he therefore did not see any possibility of continuing his mandate,

Expressing once again its horror and its total and unqualified condemnation of so-called "ethnic cleansing" wherever it occurs,

Appalled by the acts of genocide carried out by the rebel Pale Serbs in Bosnia and Herzegovina, including the evidence indicating that large-scale massacres of the Muslim population have taken place after the occupation of the "safe areas" of Zepa and Srebrenica,

Distressed by the vast displacements of people and large flows of refugees of the various ethnic groups, including the flight of many thousands of Croatian Serbs from the area of Krajina, of the non-Serb population from the Banja Luka region and of Croats from Vojvodina,

Recalling that the international community, including the United Nations, has recognized the new States of the former Yugoslavia with the borders they had as republics of Yugoslavia,

Recalling also the statement by the President of the Security Council, on 4 August 1995, expressing on behalf of the Council deep concern at the resumption of hostilities in and around the Republic of Croatia, condemning any shelling of civilian targets and demanding that no military action be taken against civilians,

Recognizing that peace talks may require that temporary cease-fire lines be drawn to bring the fighting to an end, Expressing its opposition, however, to any permanent division of any independent country of the former Yugoslavia on ethnic or religious grounds, and observing that such division would constitute a new form of apartheid,

Noting with appreciation the achievements towards the preservation of the territorial integrity of Bosnia and Herzegovina through the creation of the Federation of Bosnia and Herzegovina established by the Washington agreements of 1 March 1994, which should serve as a model for the reconciliation of all groups within Bosnia and Herzegovina and which, in areas under the control of the Government, has tangibly improved the human rights situation,

Welcoming the recent decision by the International Criminal Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia to implement its first indictments,

1. Calls on all parties to the conflict scrupulously to respect humanitarian standards applicable to all parties and in all situations, immediately to halt all acts of violence directed against the civilian population, including the prevention of any violence directed against fleeing refugees, and to allow delivery of humanitarian relief wherever it is needed;

2. Reaffirms the invalidity of any forcible territorial gains;

3. Emphasizes that the practices and consequences of "ethnic cleansing" should in no way be legitimized as part of the peace settlements;

4. Affirms the right of persons to remain in peace in their own homes, on their own lands and in their own countries within the borders already recognized by the United Nations;

5. Recommends that the United Nations and all Governments take measures to enable all refugees, deportees and displaced persons to return safely to their homes and their properties to be restored to them, any documents signed by them under duress being rejected;

6. Also recommends that steps be taken to ensure reparation and compensation for losses suffered as a consequence of aggression and "ethnic cleansing", to which end the international community should contribute to the resources required, it being understood that those responsible for causing destruction and other losses shall be held personally responsible for repayment for the losses incurred;

7. Emphasizes that no provision for impunity for any act of genocide, "ethnic cleansing" or other serious war crime, including rape, must be made in the peace plan;

8. Welcomes the progress made by the Prosecutor of the International Criminal Tribunal and calls on all States, as required under Security Council resolution 827 (1993) of 23 May 1993, to cooperate with the International

Tribunal in providing information and evidence for investigations and trials and in the apprehension and surrender of persons accused of crimes within the jurisdiction of the Tribunal;

9. Demands that those who have engaged in incitement to ethnic or religious hatred be brought to justice and held individually accountable for their acts;

10. Urges that conditions be established for the continuation of the function of special rapporteur on the situation of human rights in the territory of the former Yugoslavia and that a new special rapporteur be appointed when such conditions are established, and requests that the recommendations contained in the reports of the former Special Rapporteur be given the highest priority in any dealings of the United Nations with the parties in the former Yugoslavia;

11. Again requests the Secretary-General to take all necessary measures to stop the massive violations of human rights in the former Yugoslavia and to secure the human rights of all persons within the countries concerned;

12. Commends those pursuing peace negotiations with the conflicting parties in the former Yugoslavia, and calls on them vigorously to pursue such peace settlements as are in conformity with the purposes and principles of the United Nations, with international law in general and with the law of human rights and fundamental freedoms in particular.

27th meeting
18 August 1995
[Adopted without a vote. See chap. VII.]

1995/9. Situation in the Palestinian and other Arab territories occupied by Israel

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, in particular the principles of equal rights and self-determination of all peoples,

Mindful of the principles and humanitarian provisions of the Geneva Conventions of 12 August 1949 for the protection of war victims, of the principles and provisions of international law, and of the obligations arising from the Regulations concerning the Laws and Customs of War on Land, annexed to the Hague Convention IV of 1907,

Recalling that, in accordance with article 1 of the Geneva Conventions of 12 August 1949, all States parties to the Conventions have undertaken to respect and to ensure respect for the Conventions in all circumstances, Recalling also all the resolutions of the General Assembly and the Commission on Human Rights which affirm the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem,

Recalling further the relevant Security Council resolutions, in particular resolutions 605 (1987) of 22 December 1987, 607 (1988) of 5 January 1988, 608 (1988) of 14 January 1988, 636 (1989) of 6 July 1989, 681 (1990) of 20 December 1990, 726 (1992) of 6 January 1992 and 799 (1992) of 18 December 1992,

Taking note of the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories submitted to the General Assembly,

Deeply alarmed at the non-respect by Israel of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the failure to apply it to the Palestinians in the occupied Palestinian territories,

Welcoming the ongoing Middle East peace process started at Madrid, in particular the signing at Cairo on 4 May 1994 of the first agreement on the implementation of the Declaration of Principles on the Gaza Strip and Jericho Area by the Government of Israel and the Palestine Liberation Organization, the representative of the Palestinian people,

Recalling the time-frame for elections contained in the Declaration of Principles on Interim Self-Government Arrangements,

1. Reaffirms that the Israeli occupation of Palestinian and other Arab territories, including Jerusalem, itself constitutes a gross violation of human rights;

2. Also reaffirms that the continued imposition of collective punishment and isolation of occupied areas, after the signing of the Declaration of Principles on Interim Self-Government Arrangements by Israel and the Palestine Liberation Organization in Washington, D.C., on 13 September 1993, constitute grave violations of the principles of international humanitarian law and of the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, of the Universal Declaration of Human Rights, of the International Covenant on Civil and Political Rights and of the International Covenant on Economic, Social and Cultural Rights;

3. Reaffirms that the installation of Israeli civilians in the Palestinian and other Arab occupied territories is illegal and constitutes a violation of the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

4. Calls upon the States parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to ensure respect by Israel for the Convention and to secure protection for the Palestinian people under occupation, until the end of this occupation, in accordance with article 1 of the Convention;

5. Reaffirms the inalienable rights of the Palestinian people to return to their homeland in accordance with General Assembly resolution 194 (III) of 11 December 1948, to self-determination without foreign interference and to establish their independent sovereign State on their national soil, in accordance with the principles and provisions of the Charter of the United Nations and with resolutions of the General Assembly and of the Commission on Human Rights;

6. Reaffirms Economic and Social Council resolution 1995/49 of 28 July 1995 on the economic and social repercussions of the Israeli settlements on the Palestinian people in the Palestinian territory, including Jerusalem, occupied since 1967, and on the Arab population of the occupied Syrian Golan;

7. Calls upon Israel:

(a) To comply with its international obligations, respect the rules of international law and apply the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Palestinian and other occupied Arab territories;

(b) To desist from establishing Israeli settlements in the Palestinian and other occupied Arab territories, and calls for them to be dismantled and confirms that all measures taken by Israel with the purpose of annexing or of altering the demographic, cultural, religious or other character of those territories, including Jerusalem, are illegal, null and void;

(c) To comply with the relevant resolutions of the General Assembly and of the Security Council, particularly resolution 497 (1981), in which the Council inter alia decided that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan was null and void and without international legal effect, and demanded that Israel, the occupying Power, should rescind forthwith its decision;

(d) To desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan and from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan, and to desist from its repressive measures against them and from all other practices mentioned in the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and other Arabs of the Occupied Territories, and emphasizes that the displaced persons of the population of the occupied Syrian Golan must be allowed to return to their homes and to recover their properties, and calls once again upon Member States not to recognize any of the legislative or administrative measures and actions referred to in the present resolution;

8. Calls upon the Palestinian Authority:

(a) To comply with all current international norms in the field of human rights;

(b) To provide greater access to its prisons and interrogators through international organizations;

(c) To avail itself of the advisory services offered by the Centre for Human Rights with a view to fostering human rights institutions;

(d) To hold free elections, which, as a result of ongoing negotiations, are already delayed.

27th meeting
18 August 1995
[Adopted by secret ballot by 17 votes to 2,
with 4 abstentions. See chap. VII.]

1995/10. Situation of human rights in Kosovo

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Prevention and Punishment of the Crime of Genocide and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Recalling its resolution 1993/9 of 20 August 1993,

Recalling also Commission on Human Rights resolutions 1992/S-1/1 of 14 August 1992, 1992/S-2/1 of 1 December 1992, 1993/7 of 23 February 1993 and 1994/76 of 9 March 1994, and General Assembly resolution 49/204 of 23 December 1994,

Taking note of the reports of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia, in which he describes the various discriminatory measures taken in the legislative, administrative and judicial areas, acts of violence and arbitrary arrests and further deterioration of the human rights situation in Kosovo including:

(a) Police brutality against ethnic Albanians, the deaths of ethnic Albanians resulting from such brutality, arbitrary searches, seizures and arrests, forced evictions, torture and ill-treatment of detainees, and discrimination in the administration of justice, including several trials, which are still going on, of former Albanian policemen,

(b) Discriminatory and arbitrary dismissals of ethnic Albanian civil servants, notably from the ranks of the police and the judiciary, mass dismissals of ethnic Albanians, confiscation and expropriation of their property, discrimination against Albanian pupils and teachers, the closing of Albanian language secondary schools and the Albanian university, as well as the closing of Albanian cultural and scientific institutions,

(c) The harassment and persecution of political parties and associations of ethnic Albanians and their leaders and activists who, on a permanent basis, are subjected to inhuman and degrading il-treatment and arrest,

(d) The intimidation, systematic harassment and imprisonment of ethnic Albanian journalists and disruption of the Albanian language news media,

(e) The dismissal of doctors and other medical staff from clinics and hospitals,

(f) The elimination in practice of the Albanian language, particularly in the public administration and services,

(g) The serious and massive occurrence of discriminatory and repressive practices aimed at Kosovo Albanians as a whole, which is resulting in widespread involuntary migration, and noting that these measures and practices constitute a form of silent "ethnic cleansing",

Gravely concerned that the new Citizenship Law awaiting approval by the Parliament of the Federal Republic of Yugoslavia (Serbia and Montenegro) may cause further deterioration of the situation of human rights and that its purpose is to change the demographic composition of Kosovo through new settlement schemes,

Recognizing that the long-term mission of the Organization for Security and Cooperation in Europe to Kosovo played a positive role in monitoring the human rights situation and preventing an escalation of the tension there, and recalling in this context Security Council resolution 855 (1993) of 9 August 1993,

Considering that the re-establishment of the international presence in Kosovo to monitor and investigate the situation of human rights is of the greatest importance in preventing the situation in Kosovo from deteriorating into a violent conflict,

1. _Strongly condemns_ the measures and practices of discrimination and the violation of human rights of ethnic Albanians in Kosovo committed by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro);

2. _Condemns_ the large-scale repression by the police and military of the Federal Republic of Yugoslavia (Serbia and Montenegro) of the defenceless ethnic Albanian population and the discrimination against the ethnic Albanians in education, the administrative and judicial branches of government, health care and employment aimed at forcing ethnic Albanians to leave their land;

3. Requests that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro):

(a) Take all necessary measures to bring to an immediate end all human rights violations against ethnic Albanians in Kosovo, including, in particular, discriminatory measures and practices, arbitrary searches and detention, violation of the right to a fair trial and the practice of torture and other cruel, inhuman or degrading treatment;

(b) Revoke all discriminatory legislation, in particular that which has entered into force since 1989;

(c) Release all political prisoners in Kosovo;

(d) Establish genuine democratic institutions in Kosovo, including the parliament and judiciary, and respect the will of its inhabitants as the best means of preventing the escalation of conflict there;

(e) Reopen all the cultural and scientific institutions of the ethnic Albanians;

(f) Pursue dialogue with the representatives of ethnic Albanians in Kosovo under the auspices of the International Conference on the Former Yugoslavia;

4. Demands that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) cooperate fully and immediately with the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia in the discharge of his functions as requested by the Commission in its resolution 1994/76 and other relevant resolutions;

5. Encourages the Secretary-General to pursue his humanitarian efforts in the former Yugoslavia, in liaison with the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund and other appropriate humanitarian organizations, with a view to taking urgent practical steps to address the critical needs of the people of Kosovo, especially of the most vulnerable groups affected by the conflict, and to assisting in the voluntary return of displaced persons to their homes;

6. Urges the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to allow the immediate and unconditional return of the long-term mission of the Organization for Security and Cooperation in Europe to Kosovo, called for in Security Council resolution 855 (1993);

7. Requests the Secretary-General to seek ways and means, including through consultations with the United Nations High Commissioner for Human Rights and relevant regional organizations, to establish an adequate international monitoring presence in Kosovo and to report thereon to the General Assembly;

8. *Calls upon* the Special Rapporteur to continue to monitor closely the human rights situation in Kosovo and to pay special attention to this matter in reporting;

9. *Calls upon* the relevant United Nations bodies not to recognize the legal effects which might derive from the entering into force of the Citizenship Law;

10. *Decides* to continue the examination of the human rights situation in Kosovo at its forty-eighth session, under the same agenda item.

27th meeting
18 August 1995
[Adopted by secret ballot by 17 votes to 3,
with 4 abstentions. See chap. VII.]

1995/11. *Situation of human rights in Burundi*

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles embodied in the Charter of the United Nations, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Reaffirming that all Member States have the right and duty to promote and protect human rights and to discharge the obligations set out in the various applicable instruments,

Emphasizing that Burundi is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Recalling Commission on Human Rights resolution 1995/90 of 8 March 1995 concerning Burundi, which called for the appointment of a special rapporteur to prepare a report on the situation of human rights in Burundi for submission to the Commission at its fifty-second session,

Welcoming the visit made to Burundi on 16 and 17 July 1995 by the Secretary-General of the United Nations,

Welcoming also the visit made to Burundi by the Special Rapporteur on the situation of human rights in Burundi from 21 June to 2 July 1995,

Welcoming further the numerous visits to Burundi by the Secretary-General of the Organization of African Unity, the latest of which he made on the eve of the thirty-first Summit of the Organization of African Unity at the head of a ministerial delegation composed of the Ministers for Foreign Affairs of Egypt, Mauritius, South Africa and Tunisia, the strengthening of the observer mission of the Organization of African Unity in Burundi, and the efforts made by the Heads of State of the Organization of African Unity to promote national conciliation at their thirty-first Summit held in Addis Ababa from 26 to 28 June 1995,

Deeply concerned to note the persistence of serious and systematic violations of human rights and massive, summary and arbitrary executions, including particularly inhuman acts, such as burning people alive in public, enforced abductions and disappearances and numerous cases of political assassination,

Alarmed that, on the occasion of clashes between the Burundi army and elements of the Forces for the Defence of Democracy, as well as operations conducted by certain elements of the Burundian army under the pretext of disarming the population, very large numbers of innocent, defenceless civilians have been killed or forced into exile and their houses and villages pillaged and burned, particularly in certain communes of rural Bujumbura, Cibitoke and Bubanza,

Deeply concerned at the persistence of the messages disseminated by most of the Burundi media, constituting incitement to ethnic hatred and violence,

Also concerned at the persistent impunity of perpetrators of blood crimes and other flagrant and massive violations of human rights which are at the origin of an endless cycle of acts of vengeance and collective killings,

Alarmed by the situation of widespread insecurity prevailing throughout the country, and more particularly in the municipality of Bujumbura and certain provincial communes in rural Bujumbura, Cibitoke and Bubanza,

Deeply alarmed by the recent report of the Special Rapporteur on extrajudicial, summary or arbitrary executions following his return from his recent mission to Burundi between 19 and 29 April 1995,

1. Calls upon the international community to expedite the establishment of the international commission of judicial inquiry whose creation was recently recommended to the Security Council by the Secretary-General of the United Nations and which should be responsible for investigating the coup d'état of 21 October 1993 and the massacres that followed, the acts of vengeance that are being committed to this day and the incitement to racial hatred carried out by the Burundi media, so as to put an end to impunity;

2. Also calls upon the international community to provide substantial support to the Burundian judicial system in order to guarantee its independence and impartiality, which is a prerequisite for its efficiency and ability to identify and try the individuals responsible;

3. Invites all actors on the Burundian political scene, both within and outside the country, to engage in a true national dialogue so as to permit a rapid restoration of the rule of law in Burundi;

4. Invites the international community to take all necessary measures to combat the supply of arms to the various militias and armed bands in Burundi;

5. Appeals for appropriate support to be given to human rights associations and to Burundian civil society in general, particularly in the context of their activities in favour of education and the sensitization of the population to human rights, national reconstruction and the training of the youth of Burundi;

6. Appeals to the Commission on Human Rights to reinforce the activities of the Special Rapporteur whom it has appointed by envisaging the rapid deployment of permanent human rights observers in sufficient numbers to cover all of the territory of Burundi;

7. Decides to continue consideration of the situation of human rights in Burundi at its forty-eighth session under the appropriate agenda item.

27th meeting
18 August 1995
[Adopted without a vote. See chap. VII.]

1995/12. Monitoring and assisting the transition to democracy in South Africa

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1994/3 of 12 August 1994,

Recalling also Commission on Human Rights resolution 1995/9 of 17 February 1995,

Noting with great satisfaction the establishment of a non-racial and democratic South Africa,

Taking note of the final report of the Special Rapporteur, Ms. Judith Sefi Attah (E/CN.4/1995/24),

1. Expresses its appreciation to the Special Rapporteur for monitoring the transition to democracy in South Africa and for the important role she has played in support of the efforts to eliminate apartheid in South Africa and to establish a non-racial society in the country;

2. Expresses its profound satisfaction at the entry into force of South Africa's new Constitution on 27 April 1994, the holding of one person/one vote elections from 26 to 29 April 1994, the convening of South Africa's new Parliament on 5 May 1994 and the installation on 10 May 1994 of its President and Government of National Unity;

3. Considers that the mandate of the Special Rapporteur to monitor the transition to democracy in South Africa has been successfully concluded, and decides to remove from its agenda, as of its forty-eighth session, the item entitled "Monitoring the transition to democracy in South Africa".

27th meeting
18 August 1995
[Adopted without a vote. See chap. VI.]

1995/13. The right to freedom of movement

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Reaffirming the right of everyone lawfully within the territory of a State to liberty of movement and freedom to choose his residence and the prohibition of arbitrary deprivation of the right to enter one's own country as set out in article 12 of the International Covenant on Civil and Political Rights and article 13 of the Universal Declaration of Human Rights,

Recognizing that practices of forcible exile, mass expulsions and deportations, population transfer, "ethnic cleansing" and other forms of forcible displacement of populations within a country or across borders deprive the affected populations of their right to freedom of movement,

Recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights (A/CONF.157/23), which reaffirms that everyone, without distinction of any kind, is entitled to the right to seek and to enjoy in other countries asylum from persecution, as well as the right to return to one's own country,

Recalling also its resolution 1994/24 of 26 August 1994, in which it decided to include under the agenda item entitled "Freedom of movement" a sub-item relating to questions of displacement entitled "Population displacement" and to keep under constant review respect for the right to freedom of movement, including the right to remain and to return,

Noting with great interest Commission on Human Rights resolution 1995/88 of 8 March 1995, entitled "Human rights and mass exoduses", in which the Commission strongly deplored ethnic and other forms of intolerance as one of the major causes of forced migratory movements and urged States to take all necessary steps to ensure respect for human rights, especially the rights of persons belonging to minorities,

Taking note of Commission on Human Rights resolution 1995/24 of 3 March 1995, entitled "Rights of persons belonging to national or ethnic, religious and linguistic minorities", in which the Commission decided to authorize the Sub-Commission to establish an inter-sessional working group on minorities, _Noting_ that policies of forcible displacement are one of the major causes of flows of refugees and internally displaced persons,

Concerned that growing numbers of refugees and even larger and growing numbers of internally displaced persons exist worldwide,

1. _Affirms_ the right of persons to remain in peace in their own homes, on their own lands and in their own countries;

2. _Also affirms_ the right of refugees and displaced persons to return, in safety and dignity, to their country of origin and/or within it to their place of origin or choice;

3. _Urges_ Governments and other actors involved to do everything possible in order to cease at once all practices of forced displacement, population transfer and "ethnic cleansing" in violation of international legal standards;

4. _Also urges_ all States parties to the Convention relating to the Status of Refugees to safeguard and give effect to the right to seek and to enjoy in other countries asylum from persecution;

5. _Strongly encourages_ all Governments and other actors involved, including intergovernmental and humanitarian organizations concerned, to intensify their cooperation and assistance in worldwide efforts to address the serious problems resulting from forced displacements, and the causes of such displacements;

6. _Requests_ the inter-sessional working group on minorities of the Sub-Commission to examine, _inter alia_, as part of its mandate concerning examination of possible solutions to problems involving minorities, issues relating to forcible displacement of populations, including threats of removal, and the return of persons who have been displaced;

7. _Decides_ to continue its consideration of the question of population displacement under the agenda item entitled "Freedom of movement" and to keep under constant review respect for the right to freedom of movement, including the right to seek asylum, the right to remain and the right to return.

27th meeting
18 August 1995
[Adopted without a vote. See chap. XIX.]

1995/14. Systematic rape and sexual slavery during periods of armed conflict

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1993/24 of 25 August 1993 on slavery and slavery-like practices during wartime, in which it requested an in-depth study on the situation of systematic rape, sexual slavery and slavery-like practices during wartime, including internal armed conflict,

Recalling also Commission on Human Rights decision 1994/103 of 4 March 1994,

Recalling further its decision 1994/109 of 19 August 1994, in which, taking note of the information concerning slavery and slavery-like practices during wartime received by the Working Group on Contemporary Forms of Slavery at its nineteenth session and by the Sub-Commission at its forty-sixth session, which required an in-depth study as a matter of priority, it decided to invite Ms. Linda Chavez to submit, without financial implications, a working paper on the situation of systematic rape, sexual slavery and slavery-like practices during wartime, including internal armed conflict, to the Sub-Commission at its forty-seventh session,

Guided by the principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights, the Slavery Convention of 1926, the Convention on the Elimination of All Forms of Discrimination against Women, the Declaration on the Elimination of Violence against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and other relevant human rights instruments, as well as the Geneva Conventions of 12 August 1949 and Protocols I and II thereto of 1977,

1. Welcomes the working paper on the situation of systematic rape, sexual slavery and slavery-like practices during wartime, including internal armed conflict (E/CN.4/Sub.2/1995/38);

2. Decides, since this subject requires careful and comprehensive inquiry, to appoint Ms. Linda Chavez as Special Rapporteur with the task of undertaking an in-depth study of the situation of systematic rape, sexual slavery and slavery-like practices during periods of armed conflict;

3. Requests the Special Rapporteur to submit a preliminary report to the Sub-Commission at its forty-eighth session and a final report at its forty-ninth session;

4. Decides to consider the situation of systematic rape, sexual slavery and slavery-like practices during periods of armed conflict under its agenda item on contemporary forms of slavery at its forty-eighth and forty-ninth sessions;

5. Recommends the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. B, draft decision 1]

27th meeting
18 August 1995
[Adopted without a vote. See chap. XVI.]

1995/15. United Nations Trust Fund on Contemporary Forms of Slavery

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling General Assembly resolution 46/122 of 17 December 1991,

Taking into account the recommendation made by the Working Group on Contemporary Forms of Slavery at its twentieth session (E/CN.4/Sub.2/1995/28, sect. VI.B.2),

1. Thanks the representative of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery for his constructive participation in the proceedings of the Working Group;

2. Appeals to all Governments, governmental and non-governmental organizations, private institutions and individuals to respond favourably to requests for contributions to the Fund, and urges them to publicize the establishment and function of the Fund so as to increase general awareness of its existence;

3. Requests the Secretary-General to facilitate the holding of the meeting of the Board of Trustees as soon as possible so that a fund-raising campaign can be effectively carried out, and to publicize the establishment and the aims of the Fund so as to increase general awareness of its existence and role;

4. Recommends that, in order better to reflect the aims of the Fund, the Board of Trustees consider renaming the Fund;

5. Requests the Secretary-General to study ways and means to draw the attention of potential donors to the important role played by the Fund and to mention on the list of donors both public and private donors;

6. Invites a representative of the Fund to attend the twenty-first session of the Working Group on Contemporary Forms of Slavery.

27th meeting
18 August 1995
[Adopted without a vote. See chap. XVI.]

1995/16. Report of the Working Group on Contemporary Forms of Slavery

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Taking note of the report of the Working Group on Contemporary Forms of Slavery on its twentieth session (E/CN.4/Sub.2/1995/28 and Add.1), and in particular the recommendations contained in chapter VI,

Deeply concerned at the information it contains relating to the traffic in persons and the exploitation of the prostitution of others, the sale of children, child prostitution and child pornography, the exploitation of child labour, debt bondage, illegal adoptions, the alleged practice of removal of organs and the situation of migrant workers,

Noting that the status of ratification of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949 is still unsatisfactory,

1. Expresses its appreciation to the Working Group on Contemporary Forms of Slavery for its valuable work and in particular for its continued broad approach and flexible methods of work;

I. SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

A. Special Rapporteur on the sale of children, child prostitution and child pornography

2. Expresses its deep appreciation to Mr. Vitit Muntarbhorn for his excellent work and the outstanding reports he submitted to the Commission on Human Rights and the General Assembly, and welcomes the appointment of Mrs. Ofelia Calcetas-Santos as the new Special Rapporteur on the sale of children, child prostitution and child pornography;

3. Takes note of the information on these problems submitted by the participants at the twentieth session of the Working Group, and requests the Centre for Human Rights to transmit the information to the Special Rapporteur, along with the recommendations relating to her mandate;

4. Requests the Special Rapporteur, within the framework of her mandate, to continue to pay attention to issues relating to trafficking in children, such as alleged transplantation of organs, disappearances, the purchase and sale of children, adoptions for commercial purposes or exploitation and child prostitution;

5. Invites the Special Rapporteur to participate in the twenty-first session of the Working Group;

B. Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography

6. Decides to transmit the report of the Secretary-General on the status of implementation of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography (E/CN.4/Sub.2/1995/29 and Add.1) to the Commission on Human Rights for its consideration;

7. Requests the Secretary-General to invite all States to continue to inform the Working Group of measures adopted to implement the Programme of Action;

8. Encourages all Governments to consider, in the context of the Programme of Action, the creation of programmes aimed at the social rehabilitation of all victims of trafficking, prostitution and pornography, in particular children, and requests international cooperation for establishing and implementing such programmes;

C. Trafficking in organs

9. Requests the Secretary-General to invite again all Governments, United Nations organizations and bodies, including the United Nations Children's Fund, the specialized agencies, in particular the World Health Organization, the International Criminal Police Organization and all relevant non-governmental organizations, including scientific and medical associations, to pursue their investigation of allegations that children are victims of, or even killed for, the removal of organs for the purposes of commercial transplants and to indicate any measures taken to counteract the practice wherever it exists, and to present a report to the Working Group at its next session;

10. Recommends that the Commission on Human Rights designate an expert to investigate and prepare a study on allegations regarding the removal of organs and tissues of children and adults for commercial purposes;

11. Encourages the World Health Organization to continue to pay special attention to the issue by, in particular, updating its Guiding Principles on Human Organ Transplantation;

12. Expresses its concern that in some States non-therapeutic research may be conducted on and removal of tissue may be permitted from minors and mentally ill patients on the basis of surrogate consent, in violation of the provisions of article 7 of the International Covenant on Civil and Political Rights;

13. Decides to continue to examine this matter at its forty-eighth session and to consider the advisability of drafting, with the cooperation of the World Health Organization, United Nations standards to ensure protection against unlawful organ transplants;

II. ELIMINATION OF THE EXPLOITATION OF CHILD LABOUR

14. Requests the Secretary-General to invite States to inform the Working Group of measures adopted to implement the Programme of Action on the Elimination of the Exploitation of Child Labour and to submit a report thereon to the Sub-Commission at its forty-eighth session and to the Commission at its fifty-third session;

15. Considers that a study on the exploitation of child labour and debt bondage is of great importance;

16. Urges all States, while attempting ultimately to eliminate the phenomenon of child labour, to adopt measures and regulations to ensure that their labour is not exploited and to prohibit their labour in hazardous occupations;

III. ERADICATION OF DEBT BONDAGE

17. Takes note with satisfaction of the promulgation by States of laws against debt bondage, and appeals to Governments to adopt all the necessary measures to implement and follow up the implementation of such laws;

18. Requests the specialized agencies, in particular the financial institutions of the United Nations system, to ensure that the projects they support do not use or in any way promote bonded labour;

19. Recommends that trade unions at the local, national and international levels utilize the existing structure of the International Labour Organization dealing with violations of the conventions concerning forced labour, and encourages concerned non-governmental organizations to strengthen their activities for disseminating information and advising trade unions in this regard;

20. Urges all countries to ensure that bonded labour is not used to produce the goods they import or export;

IV. PREVENTION OF TRAFFIC IN PERSONS AND EXPLOITATION OF THE PROSTITUTION OF OTHERS

21. Welcomes the convening of the World Congress against Commercial Sexual Exploitation of Children, to be held at Stockholm from 26 to 31 August 1996, organized by the Government of Sweden, the United Nations Children's Fund, End Child Prostitution in Asian Tourism and the NGO Group for the Convention on the Rights of the Child, and invites Governments to participate fully in the planning of the World Congress;

22. Recommends that the Commission on Human Rights adopt the draft programme of action for the prevention of trafficking in persons and the exploitation of the prostitution of others (E/CN.4/Sub.2/1995/28/Add.1);

23. Also recommends that Governments prohibit the advertising or publicizing of sex tourism and that they not facilitate other commercial activities involving sexual exploitation;

24. Encourages Governments to establish specific projects for the protection of the victims of traffic in persons and of prostitution from the risk of infection with the HIV virus and the spread of AIDS;

25. Urges States to introduce and reinforce education programmes alerting children to the risks of sexual exploitation and the consequences for individuals and for society of such exploitation;

26. Recommends that States, non-governmental organizations, tourism industry syndicates, religious leaders and grass-roots organizations take urgent measures designed to protect minors from exposure to or involvement in child pornography, and requests the Secretary-General to invite States to provide information on measures taken or already applicable in this regard;

27. Also recommends that national institutions for the prevention of prostitution be established in all States in order to assist in the rehabilitation and reintegration of victims of prostitution;

V. MIGRANT WORKERS

28. Considers that the situation of migrant workers has deteriorated;

29. Urges States to ratify the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

30. Strongly condemns practices of unequal treatment of migrant workers and the denial to them of minimum human consideration and dignity;

31. Recommends that non-governmental organizations, in the framework of their activities, give attention to the grave problems affecting migrant workers and provide information to the Working Group in this regard;

VI. INCEST

32. Welcomes the decision of the Working Group to include this item in the provisional agenda for the twenty-first session and to consider ways to combat incest and sexual abuse of children inside the family, and emphasizes the urgent need for adequate help to be offered to victims of such practices;

33. Urges Governments to make confidential facilities available for children to make disclosures of the situation and to obtain advice;

34. Urges Member States to take adequate steps to punish suitably the perpetrators of this most heinous offence;

VII. FORCED LABOUR

35. Considers that forced labour is a contemporary form of slavery;

36. Welcomes the decision of the Working Group to include this item in the provisional agenda for the twenty-first session;

VIII. ILLEGAL ADOPTIONS

37. Welcomes the decision of the Working Group to include this item in the provisional agenda for the twenty-first session;

IX. MISCELLANEOUS

38. Decides to transmit the information received concerning the sexual exploitation of women and other forms of forced labour during wartime to the Special Rapporteurs on the question of impunity of perpetrators of violations of human rights, and recommends that the Special Rapporteurs take into consideration the information on this question received by the Working Group during its twentieth session;

39. Welcomes the information provided by the Government of Japan to the Working Group and to the Sub-Commission at its forty-seventh session regarding its action in relation to the issue of women sex slaves during the Second World War, seeing those measures as useful steps towards the solution of outstanding complaints regarding activities of Japanese military forces before September 1945;

40. Considers that the prompt establishment of a Japanese administrative tribunal to deal with persons who suffered maltreatment, in particular subjection to treatment akin to slavery, would effectively settle such grievances;

41. Recalls the recommendations adopted by the Working Group at its nineteenth session (E/CN.4/Sub.2/1994/33, chap. VI), in particular recommendation 13, paragraphs 1 to 4, and draws the attention of the parties concerned to the possibility of making agreements on voluntary submission to a settlement mechanism;

42. Appeals to all Governments to send representatives to the meetings of the Working Group;

43. Requests the Secretary-General to seek the views and suggestions of Member States and of intergovernmental and non-governmental organizations on proposals for future action of the Working Group with a view to the consideration of their replies by the Working Group at its forthcoming sessions;

44. Encourages youth organizations and young persons from various non-governmental organizations to participate in the meetings of the Working Group;

45. Recommends that the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child, when examining periodic reports of States parties, give particular attention to the implementation of, respectively, articles 8 and 24 of the International Covenant on Civil and Political Rights, articles 10, 12 and 13 of the International Covenant on Economic, Social and Cultural Rights, article 6 of the Convention on the Elimination of All Forms of Discrimination against Women and articles 32, 34 and 36 of the Convention on the Rights of the Child, and include in their guidelines an item concerning contemporary forms of slavery;

46. Also recommends that the supervisory bodies of the International Labour Organization and the Committee on Conventions and Recommendations of the United Nations Educational, Scientific and Cultural Organization give particular attention in their work to the implementation of provisions and standards designed to ensure protection of children and other persons exposed to contemporary forms of slavery, such as the sale of children, child prostitution and child pornography, the exploitation of child labour, bonded labour and the traffic in persons;

47. Requests the Secretary-General to transmit to the Committees mentioned above, the Special Rapporteurs concerned and the Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights the recommendations of relevance to them contained in the report of the Working Group;

48. Draws the attention of the Fourth World Conference on Women, to be held in Beijing in September 1995, to the work of the Working Group, in particular on issues involving women and girl children;

49. Welcomes the decision of the Secretary-General to reassign to the Working Group a Professional staff member of the Centre for Human Rights, as was the case in the past, to work on a permanent basis to ensure continuity and close coordination within and outside the Centre for Human Rights on issues relating to contemporary forms of slavery, prepare documentation well in advance and facilitate the attendance at the Working Group's sessions of the largest possible number of intergovernmental and non-governmental organizations with competence in the fields examined;

50. Again requests the Secretary-General to designate the Centre for Human Rights as the focal point for the coordination of activities and the dissemination of information within the United Nations system for the suppression of contemporary forms of slavery and to report on the measures taken for that purpose to the Commission on Human Rights at its fifty-second session and to the Working Group at its twenty-first session;

51. Recalls the endorsement by the Commission on Human Rights and the Economic and Social Council of the proposal made by the Working Group on Contemporary Forms of Slavery that the General Assembly declare 2 December, the date of adoption of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949, "International Day for the Abolition of Slavery in all its Forms";

52. *Notes* that the Economic and Social Council, in its resolution 1993/48 of 28 July 1993, approved the endorsement by the Commission on Human Rights of the recommendation made by the Sub-Commission in its resolution 1992/2 of 14 August 1992 that arrangements regarding the organization of the sessions of the Working Group, as contained in Commission decision 1992/115 of 3 March 1992, be repeated in subsequent years;

53. *Recommends* that the Commission make provision for adequate discussion of the issue of contemporary forms of slavery and of the Working Group's report near the beginning of each session, thereby strengthening its involvement in the activities of the Working Group on Contemporary Forms of Slavery.

27th meeting
18 August 1995
[Adopted without a vote. See chap. XVI.]

1995/17. *Human rights and disability*

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolutions 1993/22 of 20 August 1993 and 1994/10 of 19 August 1994 and the reference therein to the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, which reaffirm that persons with disabilities should be guaranteed equal opportunity through the elimination of all barriers, be they physical. financial, social or psychological, which exclude or restrict full participation in society,

Noting the report prepared by the Secretary-General (E/CN.4/Sub.2/1994/35) pursuant to the request of the Sub-Commission in resolution 1993/22 for information on the coordination endeavours, and their results, undertaken by the various United Nations organs and bodies concerned with the protection of persons with disabilities,

Noting also that the Commission on Human Rights, in its resolution 1995/58 of 3 March 1995, reaffirmed its commitment to ensuring that the rights of persons with disabilities and their concerns for full participation in community affairs would continue to be addressed in all its work,

Recognizing that the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96, annex) in themselves do not contain legal clauses that obligate States to respect pertinent provisions of the International Bill of Human Rights and other human rights instruments, such as the Convention on the Rights of the Child,

Mindful of its continuing responsibility, under Commission on Human Rights resolution 8 (XXIII) and Economic and Social Council resolution 1235 (XLII), to study, each year, situations which reveal a consistent pattern of violations of human rights and fundamental freedoms set out in the International Bill of Human Rights and in pertinent United Nations treaties,

1. Requests the Secretary-General to report in 1996 to the Sub-Commission regarding coordination endeavours which affect persons with disabilities, with emphasis on activities of the other United Nations organizations and bodies that deal with alleged violations of the legal obligations of States under the International Bill of Human Rights and United Nations treaties that protect persons with disabilities;

2. Encourages all the human rights treaty-monitoring bodies to respond positively to invitations from the Sub-Commission and the Commission to monitor the compliance of States with their commitments under the relevant human rights instruments in order to ensure the full enjoyment of those rights by persons with disabilities, and to respond in writing;

3. Requests the Secretary-General, in continuing response to the concern of the General Assembly expressed in its resolution 48/99 of 20 December 1993 regarding the need to give higher priority and viability to disability issues, to help ensure wide distribution of the report of the Special Rapporteur, Mr. Leandro Despouy, entitled Human Rights and Disabled Persons (United Nations publication, Sales No. E.92.XIV.4), in which international mechanisms for the protection of persons with disabilities, such as a moderator or ombudsman, are proposed;

4. Recognizes the contribution of non-governmental organizations, especially organizations of persons with disabilities, in the global effort to bring about full participation and equality for persons with disabilities;

5. Decides to remain seized of the question and to consider it at its forty-eighth session under the same agenda item.

27th meeting
18 August 1995
[Adopted without a vote. See chap. XVII.]

1995/18. Situation of human rights in the Islamic Republic of Iran

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its relevant resolutions, including the most recent, resolution 1994/16 of 25 August 1994, calling for an end to the violations of human rights by the Islamic Republic of Iran,

Recalling also relevant resolutions of the Commission on Human Rights, including the most recent, resolution 1995/68 of 8 March 1995, as well as those of the General Assembly, including the most recent, resolution 49/202 of 23 December 1994,

Gravely concerned at the increase in public hangings and stoning to death as reported by the Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran in his report to the Commission at its fifty-first session (E/CN.4/1995/55), Deeply concerned at extensive and continuing human rights violations by the Government of the Islamic Republic of Iran, including arbitrary and summary executions, torture and inhuman or degrading treatment and punishment, arbitrary arrests and imprisonment, unexplained disappearances, the absence of guarantees essential for the protection of the right to a fair trial and disregard for freedom of expression and freedom of religion,

Concerned at the repression by the security forces of peaceful demonstrators, particularly on 4 April 1995, resulting in the killing or wounding of many civilians,

Concerned particularly over the fate of hundreds of people arrested during the demonstrations of 4 April 1995 in south Tehran and during other protest acts who are in danger of being executed,

Appalled at the continued repression of women in the Islamic Republic of Iran, including the practice of gender-based discrimination and the use of unacceptable and unjustifiable means of punishment,

Reaffirming that Governments are accountable for assassinations and attacks by their agents against persons on the territory of another State, as well as for the incitement, approval or wilful condoning of such acts,

Aware of allegations that the Iranian embassy in Germany is actively spying on Iranian refugees in that country,

Convinced of the need for an inquiry into the assassination abroad on 17 May and 10 July 1995 of five members of the Iranian resistance, which allegedly involved agents of the Government of the Islamic Republic of Iran,

Welcoming the recommendations contained in the report of the Special Representative and the decision of the Commission to continue the mandate of the Special Representative,

Noting that the Government of the Islamic Republic of Iran has responded to the Special Representative's request for information concerning allegations of human rights violations in that country but has not allowed him to pay a fourth visit to the country so that he might obtain direct and first-hand information on the current human rights situation,

Noting that relevant international organizations and bodies emphasize the role of the Islamic Republic of Iran in intimidating and harassing the religious minorities in the Islamic Republic of Iran during the past year, in particular in the assassination of three Christian leaders,

Affirming that human rights are universal and indivisible and that the violation of internationally recognized human rights standards cannot be justified by cultural or religious considerations,

1. Condemns the flagrant violations of human rights in the Islamic Republic of Iran which, as noted by the Special Representative of the Commission, include:

(a) Excessive use of the death penalty;

(b) Numerous cases of torture and cruel, inhuman or degrading treatment and punishment;

(c) The use of excessive force and guns in suppressing public demonstrations, as well as the organization of secret patrols;

(d) Harassment and intimidation of people by street patrols;

(e) A failure to meet international standards with regard to due process and the administration of justice;

(f) Religious discrimination, notably against Baha'is and Christian individuals and groups;

(g) Discrimination against women;

(h) Restrictions on freedom of expression and freedom of opinion and undue limitation of freedom of the press;

2. Requests that the Government of the Islamic Republic of Iran cease forthwith any involvement in or toleration of murder and State-sponsored terrorism against Iranians living abroad and the nationals of other States;

3. Also requests that the Government of the Islamic Republic of Iran withdraw its support for and cease condoning repeated threats to the lives of persons of whose opinions, writings or publications it disapproves;

4. Calls upon the Government of the Islamic Republic of Iran to cooperate with the judicial authorities in countries around the world which are investigating incidents of international terrorism, and in particular to return for trial in Switzerland two persons accused of the murder of Professor Kazem Rajavi who were returned to Iran and who are sought by the Swiss judicial officials;

5. Urges the Government of the Islamic Republic of Iran to comply with all current international norms in the field of human rights, including, in particular, those contained in the International Covenant on Civil and Political Rights, to which the Islamic Republic of Iran is a party;

6. Strongly supports the view of the Commission on Human Rights that the international monitoring of the human rights situation in the Islamic Republic of Iran should be continued;

7. Welcomes the appointment by the Chairman of the Commission on Human Rights of the new Special Representative on the situation of human rights in the Islamic Republic of Iran, in view of the deteriorating situation of human rights in that country;

8. Requests the Secretary-General to continue to keep the Sub-Commission informed of relevant reports and United Nations measures to prevent human rights violations in the Islamic Republic of Iran, including, in particular, those concerning the situation of the Kurds and the Arab minority and the religious freedoms and the emancipation of the Baha'i and Christian communities in Iran;

9. Decides to consider further the situation of human rights in the Islamic Republic of Iran at its forty-eighth session.

34th meeting
24 August 1995
[Adopted by secret ballot by 13 votes to 7,
with 2 abstentions. See chap. VII.]

1995/19. Question of the implications for human rights of United Nations action, including humanitarian assistance, in addressing international humanitarian problems and in the promotion and protection of human rights

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1994/25 of 26 August 1994 and Commission on Human Rights decision 1995/107 of 3 March 1995,

Mindful that one of the purposes of the United Nations is to achieve international cooperation in solving problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

Considering that all States Members of the United Nations have the duty to respect and to promote respect for the basic principles of international law enshrined in Article 2 of the Charter of the United Nations, as well as to implement Articles 55 and 56,

Reaffirming the principles of the sovereignty and territorial integrity of States, and that it is the primary responsibility of each State to care for the victims of natural disasters and other emergency situations occurring on its territory,

Reaffirming also the functions and competence as established in the Charter for the principal organs of the United Nations, in particular those relating to the need to foster international cooperation to achieve the promotion of universal respect for and observance of the human rights and fundamental freedoms of all,

Aware of the growing involvement of the United Nations in providing and coordinating humanitarian assistance to the victims of disasters and other emergency situations,

Bearing in mind that the work carried out at the United Nations Conference on Environment and Development, held at Rio, the World Conference on Human Rights at Vienna, and the World Summit for Social Development at Copenhagen, in particular, represents considerable progress in the respective areas with regard to the work of the United Nations, as well as the importance acquired by the humanitarian activities carried out by the United Nations, which require better planning and coordination, Reaffirming the close relationship which exists between general international law, international humanitarian law, international human rights law, refugee law and humanitarian assistance,

Aware that effective United Nations actions in the humanitarian field require a comprehensive analysis of the relevant legal principles and norms in relation to international cooperation in the humanitarian and human rights spheres in the light of the provisions of the Charter of the United Nations and other applicable international norms, and that such United Nations actions would benefit from a thorough evaluation and clarification of the issues involved,

Recalling General Assembly resolution 45/100 of 14 December 1990, in which the Assembly reaffirmed the cardinal importance of humanitarian assistance for the victims of natural disasters and similar emergency situations,

Recalling also General Assembly resolution 45/102 of 14 December 1990, in which the Assembly encouraged the international community to contribute substantially and regularly to international humanitarian activities, and stressing, in this context, the importance of further developing international cooperation in the humanitarian field to facilitate better understanding, mutual respect, confidence and tolerance among countries and peoples, thus contributing to a more just and non-violent world,

Noting General Assembly resolution 47/120 V of 18 December 1992, in which the Assembly, welcoming the increasing role of the United Nations system in providing humanitarian assistance, encouraged the Secretary-General to continue to strengthen the capacity of the Organization in order to ensure coordinated planning and execution of humanitarian assistance programmes, drawing upon the specialized skills and resources of all parts of the United Nations system, as well as those of non-governmental organizations, as appropriate,

Noting also General Assembly resolution 48/116 of 20 December 1993, in which the Assembly, noting with concern that the number of refugees and other persons to whom the Office of the United Nations High Commissioner for Refugees was called upon to provide assistance and protection had continued to increase and that their protection continued to be seriously jeopardized in many situations as a result of, inter alia, the failure to respect and ensure their fundamental freedoms and human rights, reaffirmed its support for the High Commissioner's efforts to provide humanitarian assistance and protection, taking into account the complementarities of the mandates and expertise of other relevant organizations,

Welcoming the activities of the newly created Department for Humanitarian Affairs, which should be reinforced,

Bearing in mind General Assembly resolution 48/57 of 14 December 1993, in which the Assembly expressed its deep concern about the increasing number and growing magnitude and complexity of natural disasters and other emergencies and stressed the need for improved coordination within the United Nations system and the necessity for the Department of Humanitarian Affairs to collect and disseminate timely information on natural disasters and other humanitarian emergencies in order to provide early warning of a crisis, and to assess needs on a continuing basis,

Mindful of the complexity and sensitivity of United Nations humanitarian action currently being undertaken in a number of countries plagued by war or internal conflict,

Mindful also of the role of the Sub-Commission, as a body of independent experts in the field of human rights, in providing competent United Nations bodies with its views within its area of competence, with the aim of establishing, in a collective effort, a better understanding of the complex interrelationship between human rights and humanitarian considerations, thereby providing the United Nations with a more secure foundation for future action,

Noting the debate on the issue that took place during the forty-seventh session of the Sub-Commission,

Taking note of Commission on Human Rights decision 1995/107 of 3 March 1995 and the need expressed therein for the Sub-Commission to avoid making judgements on issues that are within the responsibility of other United Nations bodies,

1. Reaffirms the important role of the United Nations system as a whole in encouraging international cooperation in order to protect and promote human rights, as well as to address natural and man-made disasters, provide humanitarian assistance and coordinate disaster relief;

2. Draws the attention of the States Members of the United Nations to the advisability and importance of organizing in the near future a world summit on humanitarian assistance, in order to strengthen their development and to coordinate better their action in this field;

3. Decides to recommend again that the Commission on Human Rights authorize the Sub-Commission to designate one of its members as special rapporteur of the Sub-Commission on the question of the implications for human rights of United Nations action under the Charter, including humanitarian assistance, in addressing international humanitarian problems and in the promotion and protection of human rights;

4. Recommends the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. B, draft decision 2.]

34th meeting
24 August 1995
[Adopted without a vote. See chap. XX.]

1995/20. Traditional practices affecting the health of women and children

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolutions 1993/33 of 25 August 1993 and 1994/30 of 26 August 1994,

Recalling also Commission on Human Rights decision 1995/112 of 3 March 1995, by which the Commission endorsed the recommendation of the Sub-Commission to extend the mandate of the Special Rapporteur, Ms. Halima Embarek Warzazi, for two more years,

Mindful of the recommendations contained in the Plan of Action for the Elimination of Harmful Traditional Practices affecting the Health of Women and Children (E/CN.4/Sub.2/1994/10/Add.1 and Corr.1),

1. Welcomes with appreciation the preliminary report of the Special Rapporteur, Ms. Halima Embarek Warzazi, on traditional practices affecting the health of women and children (E/CN.4/Sub.2/1995/6);

2. Calls upon all States, United Nations bodies and organs, relevant specialized agencies, as well as non-governmental organizations and grass-roots movements to implement the Plan of Action and to inform the Special Rapporteur of the progress achieved and the obstacles encountered in doing so;

3. Looks forward to the final report of the Special Rapporteur, to be submitted to the Sub-Commission at its forty-eighth session;

4. Decides to keep this question on its agenda, and urges that the Commission on Human Rights continue to include it in its agenda also.

35th meeting
24 August 1995
[Adopted without a vote. See chap. V.]

1995/21. Discrimination in the context of human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS)

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling that respect for the principle of non-discrimination is the key to the protection and realization of fundamental human rights and freedoms as recognized and protected by international standards,

Convinced that discrimination against any person on the grounds of AIDS or HIV infection, actual or presumed, is a violation of fundamental rights and freedoms, Recognizing that persons suffering from disadvantaged economic, social or legal status, such as women, street children and other children, indigenous peoples, minorities, migrants, refugees, commercial sex workers, injecting drug users, men who are homosexuals and others, are more vulnerable to the risk of HIV infection owing to the lack of full enjoyment of their fundamental rights because of limited or no access to education, health care and social services, and that they suffer disproportionately from the economic and social consequences of HIV/AIDS,

Alarmed at the increasing rate of HIV infection among women and children,

Concerned that, in spite of the intensive information campaigns that have been conducted, fear, ignorance and intolerance continue to cause stigmatization of and prejudice against people with HIV/AIDS, their families and associates, as well as those presumed to be infected or at risk of infection, resulting in discrimination in the areas of health care, employment, education, housing, social welfare and travel, as well as in arbitrary detention, deportation, violence and denial of asylum,

Noting with deep concern the lack of adequate international and domestic measures taken to combat HIV/AIDS-related discrimination and human rights violations, as indicated in the report of the Secretary-General to the Commission on Human Rights (E/CN.4/1995/45),

Recalling Commission on Human Rights resolution 1995/44 of 3 March 1995 in which the Commission called upon all States to take all the necessary steps, including appropriate and speedy redress procedures and the introduction of positive legislation and appropriate education to combat discrimination, prejudice and stigma, to ensure the full realization of civil, political, economic, social and cultural rights by people living with HIV/AIDS and others affected by AIDS, and to address such concerns within their activities in the context of the United Nations Year for Tolerance, 1995,

Bearing in mind World Health Assembly resolution WHA45.35 of 14 May 1992 in which the Assembly recognized that there was no public health rationale for any measures that limit the rights of the individual, notably measures establishing mandatory screening,

Welcoming progress made towards the establishment of the Joint United Nations Programme on HIV/AIDS (UNAIDS), which will come into full effect on 1 January 1996,

Welcoming also the Paris AIDS Summit held on 1 December 1994 and attended by representatives of 42 Governments, resulting in the adoption of the Final Declaration of the Paris AIDS Summit, in which it was reconfirmed, inter alia, that poverty and discrimination contribute to the spread of the pandemic and that the rights of people living with HIV/AIDS must be ensured,

1. Reconfirms that discrimination on the basis of HIV or AIDS status, actual or presumed, is prohibited by existing international human rights standards, and that the term "or other status" in non-discrimination provisions in international human rights texts should be interpreted to cover health status, including HIV/AIDS;

2. Calls upon all States to continue to review their legislation, policies and practices in the context of HIV/AIDS in order to ensure that they respect human rights standards, including the prohibition of HIV/AIDS-related discrimination, and to take all the necessary steps, including the introduction of protective legislation and appropriate education, to combat discrimination and stigma, and to ensure the full enjoyment of human rights and freedoms by people with HIV/AIDS, their families and those associated with them;

3. Also calls upon all States to strengthen their efforts to advance the legal, economic and social status of women, children, minorities, migrants and other groups suffering lack of full enjoyment of their rights, in order to render them less vulnerable to the risk of HIV infection and to the adverse socio-economic consequences of the AIDS pandemic;

4. Commends to the Committee on the Rights of the Child, the Commission on the Status of Women, the Committee on the Elimination of Discrimination against Women, the Working Group on Contemporary Forms of Slavery and relevant special rapporteurs and United Nations human rights bodies, that they pay sustained attention to the risk which the continuing social, economic and sexual exploitation of women and children poses for the transmission of HIV;

5. Requests the Centre for Human Rights, through the Commission, to maximize its efforts in combating HIV/AIDS-related discrimination and to build close links with the Joint United Nations Programme on HIV/AIDS (UNAIDS) for ongoing collaboration;

6. Stresses the importance of the organization of a second international expert consultation on human rights and HIV/AIDS, as requested in Commission on Human Rights resolution 1995/44 of 3 March 1995, by the High Commissioner for Human Rights, within existing resources of the Centre for Human Rights and in cooperation with UNAIDS, non-governmental agencies and people living with HIV/AIDS, with a view to considering developments in the field, including the production of guidelines for the prevention of HIV/AIDS-related discrimination;

7. Urges the Commission on Human Rights to keep under review the issue of HIV/AIDS-related human rights violations and discrimination, including in the areas of health care, employment, education, housing, social welfare and travel, as well as in arbitrary detention, deportation, violence and denial of asylum;

8. Reiterates its request to UNAIDS to ensure the integration of a strong human rights component in all its activity areas;

9. Encourages the full implementation of the Paris Summit initiatives, including the use of an advisory council on human rights, ethical and legal issues in the context of HIV/AIDS;

10. Decides to keep the issue of HIV/AIDS-related discrimination and human rights violations under continuous review, and to give consideration to this issue under all relevant items of its agenda, as well as in the work of its relevant working groups and special rapporteurs.

35th meeting
24 August 1995
[Adopted without a vote. See chap. V.]

1995/22. Recognition of gross and large-scale violations of human rights as an international crime

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Considering that further measures should be taken to combat gross and large-scale violations of human rights,

Believing that such violations, if perpetrated on the orders of Governments or sanctioned by them, pose the greatest danger to mankind,

Recalling that the World Conference on Human Rights, in the Vienna Declaration and Programme of Action, expressed grave concern about continuing human rights violations in all parts of the world in disregard of standards as contained in international human rights instruments and international humanitarian law and about the lack of sufficient and effective remedies for the victims,

Recalling also its resolution 1994/28 of 26 August 1994, in which it recommended the appointment of Mr. Stanislav Chernichenko as Special Rapporteur to prepare a report entitled "Recognition of gross and large-scale violations of human rights perpetrated on the orders of Governments or sanctioned by them as an international crime",

Taking into account Commission on Human Rights decision 1995/111 of 3 March 1995, in which the Commission requested the Sub-Commission to reconsider its recommendation, bearing in mind the work of the other United Nations bodies on this issue,

Noting, however, that the International Law Commission deals only with issues concerning State responsibility and individual responsibility for crimes against the international peace and security of mankind,

Convinced that all issues concerning human rights violations fall primarily within the competence of the United Nations human rights bodies,

Having discussed again the questions raised in the working paper submitted by Mr. Chernichenko (E/CN.4/Sub.2/1993/10 and Corr.1),

1. Reaffirms its recommendation that the Commission on Human Rights appoint Mr. Stanislav Chernichenko as Special Rapporteur to prepare a report entitled "Recognition of gross and large-scale violations of human rights perpetrated on the orders of Governments or sanctioned by them as an international crime";

2. Decides to consider the report of the Special Rapporteur at its forty-eighth session under the agenda item entitled "Review of further developments in fields with which the Sub-Commission has been concerned";

3. Recommends that the Special Rapporteur take into account the comments made on his working paper, as well as the relevant work of the International Law Commission, and include in his report a draft declaration on the question;

4. Recommends the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. B, draft decision 3.]

35th meeting
24 August 1995
[Adopted without a vote. See chap. V.]

1995/23. Human rights and the environment

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1994/27 of 26 August 1994, in which it decided to transmit the final report of the Special Rapporteur on human rights and the environment (E/CN.4/Sub.2/1994/9 and Corr.1) to the Commission on Human Rights with a view to its publication and widest possible dissemination,

Taking into account Commission on Human Rights resolution 1995/14 of 24 February 1995, in which the Commission also requested that the Special Rapporteur's final report be published by the United Nations in all the official languages and requested the Secretary-General to submit to the Commission on Human Rights, at its fifty-second session, a report containing the opinions of Governments, specialized agencies and intergovernmental and non-governmental organizations on the issues raised in that report,

Aware that the final report of the Special Rapporteur has not yet been published in all the official languages, nor has it received the widest possible dissemination,

1. Urges the Commission on Human Rights to request again that the final report of the Special Rapporteur be published by the United Nations in all the official languages and that the report receive the widest possible dissemination;

2. Requests the Commission on Human Rights to extend the time in which it asks the Secretary-General to report on opinions based on the Special Rapporteur's report until at least one session following its publication.

35th meeting
24 August 1995
[Adopted without a vote. See chap. V.]

1995/24. Injurious effects of anti-personnel land-mines

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the Geneva Conventions of 12 August 1949 relative to the protection of war victims and the Additional Protocols thereto of 1977,

Guided also by the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, and in particular by the Protocol on Prohibitions or Restrictions on the Use of Mines, Boobytraps and Other Devices (Protocol II),

Reaffirming the principles set out in the Convention on the Rights of the Child,

Subscribing to the spirit of paragraph 6 of United Nations General Assembly resolution 49/75 D of 15 December 1994, in which the Assembly encouraged further international efforts to seek solutions to the problems caused by anti-personnel land-mines, with a view to the eventual elimination of such devices,

Endorsing the appeal launched by the Secretary-General of the United Nations at the International Meeting on Mine Clearance, held in Geneva from 5 to 7 July 1995, to prohibit the manufacture and use of anti-personnel land-mines,

Taking note with satisfaction of the declaration adopted on 23 June 1995 by the Council of Ministers of the Organization of African Unity in support of a total ban on the production and use of anti-personnel mines,

Also taking note with satisfaction of the resolution on respect for international humanitarian law and support for humanitarian action during armed conflicts, adopted by the General Assembly of the Organization of American States at its twenty-fourth session, held in Belem (Brazil) from 6 to 11 June 1994,

Bearing in mind the preparatory process for the conference to review the 1980 Convention, which will be held in Vienna from 25 September to 13 October 1995, Taking into account the grave danger that such mines pose to the lives of civilians and children, particularly during and after the cessation of an armed conflict, which is a violation of the right to life and to security of person,

Taking into account also the risk that such mines pose to other vulnerable groups, particularly peasants and indigenous people,

Taking into account the serious handicaps caused by mines and the need for remedial action both through prevention and through rehabilitation and respect for the rights of the disabled,

Noting with concern the large number - at least 100 million - of anti-personnel land-mines already laid and the additional number of mines laid every year, which is unfortunately steadily increasing,

Concerned about the harmful repercussions of anti-personnel mines on the all-round development of persons who are victims of them,

Expressing the hope that United Nations action in favour of mine clearance will in the near future result in the total and final elimination of the scourge of unexploded land-mines,

Regretting the scant funds available to improve mine-clearance techniques and step up rehabilitation programmes for the victims of anti-personnel mines,

Noting that there is an urgent need to adopt effective measures at the national, regional and international levels to protect civilians, particularly children and other vulnerable groups, against the effects of anti-personnel mines,

1. Declares itself gravely concerned about the maiming effects of anti-personnel mines;

2. Urges States that have not yet done so to sign and ratify the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons and the Protocols thereto;

3. Requests Governments and the international community to pursue a policy of information, prevention, rehabilitation and reintegration for the victims of anti-personnel mines, particularly children, and to take the economic and social measures considered necessary for that purpose;

4. Calls on States to take an active part in the conference to review the 1980 Convention, which will be held in Vienna from 25 September to 13 October 1995, with a view to effectively strengthening that instrument and giving it universal scope;

5. Encourages all Governments, organizations and individuals that can do so to respond favourably to the requests for voluntary contributions to the United Nations mine-clearance programme, if possible on a regular basis;

6. Requests the Secretary-General to transmit to all Governments the Sub-Commission's appeal for voluntary contributions to the mine-clearance programme and to the Voluntary Trust Fund for Assistance in Mine Clearance established in November 1994;

7. Declares itself in favour of a total ban on the production, marketing and use of anti-personnel land-mines;

8. Requests the Secretary-General to transmit this resolution to the conference to review the 1980 Convention, shortly to be held in Vienna;

9. Decides to consider this question at its forty-eighth session under agenda item 13 in order to ensure the necessary follow-up within the framework of the full enjoyment of human rights and the strengthening of international humanitarian law.

35th meeting
24 August 1995
[Adopted by 16 votes to 2, with
2 abstentions. See chap. V.]

1995/25. Protection by competent authorities of everyone against threats, retaliation, pressure or any other arbitrary action as a consequence of legitimate, peaceful and non-violent exercise of the right to strive for the protection of human rights

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Considering with concern allegations that individuals or groups, peacefully and non-violently exercising their rights, individually and in association, to promote and strive for the protection and realization of human rights and fundamental freedoms at the national and international levels may not be receiving protection by the competent authorities by way of such authorities taking all necessary steps against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or other arbitrary action as a consequence of the legitimate exercise of those rights by such individuals or groups and the performance of their responsibilities,

Convinced that each State should conduct or ensure that a prompt and impartial investigation or inquiry takes place whenever there is reasonable ground to believe that a violation of human rights and fundamental freedoms has occurred in any territory under its jurisdiction,

Urges the Commission on Human Rights to invite all Governments promptly to investigate alleged cases of persecution of individuals or members of groups legitimately, peacefully and non-violently exercising the rights referred to in the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms (E/CN.4/1995/93, annex I).

35th meeting
24 August 1995
[Adopted without a vote. See chap. V.]

1995/26. *Implementation of the human rights of women and the girl child*

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolutions 1992/4 of 14 August 1992 and 1994/43 of 26 August 1994,

Recalling also the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, which states that the human rights of women and of the girl child are an inalienable, integral and indivisible part of universal human rights and that the human rights of women should form an integral part of the United Nations human rights activities (A/CONF.157/23, para. I.18),

Recalling further the Programme of Action adopted by consensus at the International Conference on Population and Development, held at Cairo from 5 to 13 September 1994, in which the rights of women received strong support and clarification, being understood as an essential element in all policies concerned with health and population programmes,

Welcoming Commission on Human Rights resolutions 1993/46 of 8 March 1993, 1994/45 of 4 March 1994 and 1995/86 of 8 March 1995 regarding the integration of the equal status of women and the human rights of women into the mainstream of United Nations system-wide activity,

Welcoming also the excellent preliminary report (E/CN.4/1995/42) by the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and its consequences, Ms. Radhika Coomaraswamy, the appointment of a focal point for the human rights of women within the Centre for Human Rights, as well as the working paper prepared by Ms. Linda Chavez on systematic rape, sexual slavery and slavery-like practices during wartime, including internal armed conflict (E/CN.4/Sub.2/1995/38) and the preliminary report of the Special Rapporteur of the Sub-Commission, Ms. Halima Embarek Warzazi, on harmful traditional practices affecting the health of women and children (E/CN.4/Sub.2/1995/6),

Taking note with appreciation of the report of the Secretary-General on the integration of the human rights of women and the girl child into the activities of the United Nations system (E/CN.4/Sub.2/1995/22),

Aware of the necessity of achieving the full realization of all the human rights of women,

1. Decides to consider the human rights of women and the girl child under every item of its agenda, as well as in all relevant studies undertaken by the Sub-Commission;

2. Requests that all reports submitted at its forty-eighth session contain a gender perspective in their analyses and recommendations;

3. Appeals to all Governments that have not yet done so to ratify the Convention on the Elimination of All Forms of Discrimination against Women;

4. Expresses the hope that the Committee on the Elimination of Discrimination against Women will be integrated as soon as possible with the other human rights treaty monitoring mechanisms;

5. Requests the Secretary-General to obtain the views of the Committee on the Elimination of Discrimination against Women and the Commission on the Status of Women on the question whether it would be desirable to have an advisory opinion on the value and legal effect of reservations concerning the Convention on the Elimination of All Forms of Discrimination against Women, and to invite those bodies to formulate, in their replies, any other observations on the question of reservations to that Convention they consider appropriate;

6. Also requests the Secretary-General to ensure that United Nations human rights and humanitarian relief personnel recognize and deal with the human rights violations particular to women and carry out their work without gender bias;

7. Welcomes the attention paid to the rights of women in the Programme of Action adopted at the Conference on Population and Development, held at Cairo from 5 to 13 September 1994;

8. Urges all Governments not to propose nor to allow any recommendations which in any way constitute a retreat from the achievements of the World Conference on Human Rights and the International Conference on Population and Development and which might negatively affect any human rights of women as recognized by those Conferences;

9. Looks forward to the reinforcement and further development of the integration of the human rights of women into the mainstream of United Nations system-wide activity by the Fourth World Conference on Women in Beijing;

10. Requests the Secretary-General to establish and reinforce mechanisms in the Centre for Human Rights in order to implement the recommendations and decisions taken at the Fourth World Conference on Women;

11. Decides to give its full attention to the follow-up to the recommendations of the Fourth World Conference on Women;

12. *Also decides* to consider these issues at its forty-eighth session under the same agenda item.

35th meeting
24 August 1995
[Adopted without a vote. See chap. XII.]

1995/27. *Promoting the realization of the human right to adequate housing*

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Reaffirming the human right of every woman, man and child to a safe and secure place to live in peace and dignity,

Deeply concerned that well in excess of one billion persons remain homeless or inadequately housed throughout the world, and have yet to attain and enjoy their legal right to adequate housing,

Concerned also that Governments having the legal obligation to respect, protect and fulfil the human right to adequate housing have failed to take the necessary steps to ensure the full realization of this right for everyone entitled to it,

Convinced of the continuing and urgent need for renewed attention, commitment and constructive action by all relevant actors, in particular Governments and the United Nations, with regard to the human right to adequate housing,

Recalling Commission on Human Rights decision 1993/103 of 4 March 1993, resolution 1994/14 of 25 February 1994 and resolution 1995/19 of 24 February 1995,

Recalling also its resolutions 1994/38 of 26 August 1994, 1993/36 of 25 August 1993, 1992/26 of 27 August 1992 and 1991/26 of 29 August 1991,

Welcomes the United Nations Commission on Human Settlements document entitled "Towards a housing rights strategy: practical contributions by UNCHS (Habitat) on promoting, ensuring and protecting the full realization of the human right to adequate housing" (HS/C/15/INF.7), as reaffirmed by the Commission on Human Settlements in its resolution 15/2 of 1 May 1955,

Disturbed by developments in the preparatory process for the United Nations Conference on Human Settlements (Habitat II) in which housing has been questioned as a human right,

Recalling paragraphs 3 and 4 of its resolution 1994/38, in which it took note with interest of the draft international convention on housing rights and invited all relevant actors to provide the Special Rapporteur with comments on the draft convention, _Recalling also_ paragraph 11 of its resolution 1994/38, in which it decided to consider the final report of the Special Rapporteur and develop a series of concrete measures based upon the final report at its forty-seventh session,

1. _Expresses its deep appreciation_ to the Special Rapporteur on the right to adequate housing, Mr. Rajindar Sachar, for his final report (E/CN.4/Sub.2/1995/12), in particular its specific recommendations;

2. _Firmly endorses_ the specific recommendations contained in chapter VIII of the final report, and urges the entities listed therein to implement these recommendations in a timely fashion;

3. _Strongly encourages_ all Governments faithfully to implement their existing legal obligations concerning the human right to adequate housing, including the adoption of effective legislation and policies respecting, promoting and protecting the human right to adequate housing, the removal of all obstacles to the full realization of this right and the repeal of legislation and policies which contradict housing rights standards, and to refrain from violating the human right to adequate housing;

4. _Requests_ the High Commissioner for Human Rights fully to incorporate activities directly relevant to the human right to adequate housing in his mandate, with a view to preventing violations of this right and generally promoting the realization of the right to adequate housing to the maximum extent possible;

5. _Encourages_ once again the programme of advisory services and technical assistance of the Centre for Human Rights to endeavour expeditiously to develop and provide within its mandate to those States requesting it expertise concerning how most effectively to promote the full realization of this right within States;

6. _Urges_ the Preparatory Committee for the United Nations Conference on Human Settlements (Habitat II), to be held in June 1996, to take full account in its agenda, plan of action and final declaration of the views of the Special Rapporteur on the right to adequate housing, including those contained in his final report, and all other ongoing activities of the United Nations concerning housing rights, and to undertake explicitly identified activities with regard to the human right to adequate housing within and beyond the context of Habitat II;

7. _Urges_ the Fourth World Conference on Women, to be held in September 1995, to take full account of the views of the Special Rapporteur on the right to adequate housing and the ongoing activities of the United Nations concerning housing rights and to identify specific activities and principles designed to ensure for all women the full enjoyment of the right to adequate housing as expeditiously as possible;

8. _Requests_ the Secretary-General to compile in one document all four reports of the Special Rapporteur and to publish them as part of the Human Rights Study Series;

9. Also requests the Secretary-General to solicit from States, United Nations bodies, the specialized agencies and relevant non-governmental and community-based organizations their comments on the draft international convention on housing rights contained in the Special Rapporteur's second progress report (E/CN.4/Sub.2/1994/20, chap. IX) and the indicators contained in his final report (E/CN.4/Sub.2/1995/12, chap. IV);

10. Requests the Secretary-General to submit to the Sub-Commission at its forty-eighth session a compilation of and an analytical commentary on the views and comments received from States, United Nations bodies, specialized agencies, international and regional organizations, non-governmental organizations and community-based organizations on all aspects of the right to adequate housing and to develop further the analysis contained in the final report of the Special Rapporteur regarding the use of indicators in monitoring compliance with the right to adequate housing;

11. Also requests the Secretary-General to distribute the final report of the Special Rapporteur to each of the entities mentioned in chapter VIII, with a view to informing them of the recommendations contained therein and to receiving their views on any plans or programmes they may have or will develop to implement the relevant recommendations of the Special Rapporteur;

12. Decides to examine and determine at its forty-eighth session how most effectively to proceed within the United Nations human rights programme with activities designed to promote the full realization of the human right to adequate housing.

35th meeting
24 August 1995
[Adopted without a vote. See chap. IX.]

1995/28. Human rights and extreme poverty

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling Commission on Human Rights resolutions 1992/11 of 21 February 1992, 1993/13 of 26 February 1993, 1994/12 of 25 February 1994 and 1995/16 of 24 February 1995 and its own resolution 1992/27 of 27 August 1992 concerning the execution by the Sub-Commission of a study on human rights and extreme poverty and the appointment of Mr. Leandro Despouy as Special Rapporteur on that question,

Recalling its resolution 1994/41 of 26 August 1994, in which it took note with appreciation of the first interim report of the Special Rapporteur,

Welcoming the holding at United Nations Headquarters in New York, from 12 to 14 October 1994, of the seminar on the topic "Extreme poverty and the denial of human rights", which for the first time enabled persons living in extreme poverty to express publicly their observations on the matter,

1. Takes note with appreciation of the second interim report on human rights and extreme poverty (E/CN.4/Sub.2/1995/15) prepared by the Special Rapporteur, Mr. Leandro Despouy;

2. Commends the Special Rapporteur for having included in his report testimony and observations by the most destitute persons, since this brings greater awareness of the living conditions of those in extreme poverty and a better understanding of the link between extreme poverty and human rights;

3. Welcomes the approach proposed by the Special Rapporteur in his report;

4. Expresses the wish that the consultation undertaken by the Special Rapporteur should be continued, and invites Governments, intergovernmental organizations, specialized agencies and non-governmental organizations that have not yet done so to answer the questionnaire prepared by him;

5. Requests the Special Rapporteur to submit to it, at its forty-eighth session, a final report focusing on the results of his consultation with persons living in extreme poverty and persons working alongside them, and taking account of the conclusions and relevant data emerging from the World Summit for Social Development in March 1995 and the Fourth World Conference on Women to be held in Beijing in September 1995, and of the activities to be undertaken in 1996, which the General Assembly, in its resolution 48/183 of 21 December 1993, proclaimed International Year for the Eradication of Poverty;

6. Requests the Secretary-General to make available to the Special Rapporteur the human and material resources necessary for the fulfilment of his mandate;

7. Also requests the Secretary-General to arrange for the presentation of the final report on the study on human rights and extreme poverty in 1996, in the context of the International Year for the Eradication of Poverty, to be the occasion for an event involving the participation of representatives of persons and families living in extreme poverty and representatives of non-governmental organizations working alongside them.

35th meeting
24 August 1995
[Adopted without a vote. See chap. IX.]

1995/29. Forced evictions

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolutions 1991/12 of 26 August 1991, 1992/14 of 27 August 1992, 1993/41 of 28 August 1993 and 1994/39 of 26 August 1994,

Recalling also Commission on Human Rights resolution 1993/77 of 10 March 1993, Recalling further the analytical report on forced evictions prepared by the Secretary-General (E/CN.4/1994/20),

Reaffirming that every woman, man and child has the right to a secure place to live in peace and dignity, which includes the right not to be evicted from one's home, land or community,

Recognizing that the often violent practice of forced eviction involves the coerced and involuntary removal of persons, families and groups from their homes, lands and communities, whether or not deemed legal under prevailing systems of law, resulting in greater homelessness and inadequate housing and living conditions,

Disturbed that forced evictions and homelessness intensify social conflict and inequality and almost invariably affect the poorest, most socially, economically, environmentally and politically disadvantaged and vulnerable sectors of society,

Aware that forced evictions can be carried out, sanctioned, demanded, proposed, initiated or tolerated by a range of actors, all of which possess legal obligations to refrain from such practices,

Aware also that discriminatory motivations are the actual basis of a large number of forced evictions,

Emphasizing that ultimate legal and political responsibility for preventing forced evictions rests with Governments,

Recalling that General Comment No. 2 (1990) on international technical assistance measures, adopted by the Committee on Economic, Social and Cultural Rights at its fourth session, states, inter alia, that international agencies should scrupulously avoid involvement in projects which involve, among other things, large-scale evictions or displacement of persons without the provision of all appropriate protection and compensation (E/1990/23, annex III, para. 6),

Mindful of the questions concerning forced eviction included in the guidelines for States parties' reports submitted in conformity with articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights (E/1991/23, annex IV),

Noting with appreciation that the Committee on Economic, Social and Cultural Rights, in its General Comment No. 4 (1991) on the right to adequate housing considered that instances of forced eviction were, prima facie, incompatible with the requirements of the International Covenant on Economic, Social and Cultural Rights and could only be justified in the most exceptional circumstances, and in accordance with the relevant principles of international law (E/1992/23, annex III, para. 18),

Taking note of the observations of the Committee on Economic, Social and Cultural Rights concerning forced evictions, in which the Committee has clearly equated this practice with violations of the obligations arising under the International Covenant on Economic, Social and Cultural Rights, _Recalling_ that forced evictions are unacceptable under international human rights law unless accompanied by all necessary legal and other safeguards, including due process, when carried out against any persons, notwithstanding their tenure status,

Taking note of the explicit recommendations concerning the practice of forced evictions contained in the final report of the Special Rapporteur on the right to adequate housing (E/CN.4/Sub.2/1995/12, chap. VIII),

Aware of the many similarities between the phenomena of forced evictions, internal displacement, population transfer, mass expulsions, mass exodus, "ethnic cleansing" and other practices involving the coerced and involuntary movement of people from their homes, lands and communities,

1. _Reaffirms_ that the practice of forced eviction constitutes a gross violation of a broad range of human rights, in particular the right to adequate housing, the right to remain, the right to freedom of movement, the right to privacy, the right to security of the home, the right to security of tenure, the right to food and a variety of additional rights;

2. _Strongly urges_ Governments to undertake immediately measures, at all levels, aimed at rapidly eliminating the practice of forced eviction through, _inter alia_, immediately renouncing existing plans involving forced evictions, repealing legislation allowing forced evictions and ensuring the right to security of tenure to all citizens and other residents;

3. _Also strongly urges_ Governments to confer legal security of tenure on all persons, in particular those currently threatened with forced eviction, and to adopt all necessary measures giving full protection against forced eviction, based upon effective participation, consultation and negotiation with affected persons or groups;

4. _Recommends_ that all Governments provide immediate restitution, compensation and/or appropriate and sufficient alternative accommodation or land, consistent with their wishes, rights and needs, to persons and communities that have been forcibly evicted, following mutually satisfactory negotiations with the affected persons or groups, and recognizing the obligation to ensure such provision in the event of any forced eviction;

5. _Invites_ all international financial, trade, development and other related institutions and agencies to take fully into account the views contained in the present resolution and other pronouncements under international human rights and humanitarian law on the practice of forced eviction;

6. _Requests_ the High Commissioner for Human Rights to give due attention to the practice of forced eviction in discharging his responsibilities and to undertake measures, whenever possible, to persuade Governments to halt planned forced evictions from taking place and to ensure the provision of adequate compensation when evictions have already occurred;

7. _Requests_ the United Nations Conference on Human Settlements (Habitat II) to take fully into account the practice of forced eviction as a gross violation of human rights and to include in the final declaration and

plan of action explicit references to the non-acceptability of this practice under international human rights law and concrete measures designed to prevent forced evictions;

8. Requests the United Nations Centre for Human Settlements (Habitat) in implementing its housing rights strategy (see HS/C/15/INF.7) to do everything within its power to prevent the practice of forced eviction by, inter alia, using the good offices of the Secretary-General to persuade Governments to refrain from carrying out forced evictions and by compiling annual lists of all eviction cases brought to its attention;

9. Takes note of the report of the Secretary-General on guidelines for international events and forced evictions (E/CN.4/Sub.2/1995/13);

10. Requests the Secretary-General to submit an updated report to the Sub-Commission at its forty-eighth session;

11. Also requests the Secretary-General to convene an expert seminar on the practice of forced eviction and the relationship of this practice to internationally recognized human rights, with a view to developing comprehensive human rights guidelines on development-based displacement;

12. Decides to consider the issue of forced evictions at its forty-eighth session under the agenda item entitled "The realization of economic, social and cultural rights" and to determine how most effectively to continue its consideration of the issue of forced evictions.

35th meeting
24 August 1995
[Adopted without a vote. See chap. IX.]

1995/30. Human rights and income distribution

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Reaffirming the indivisibility, interdependence and interrelated nature of economic, social and cultural rights and civil and political rights,

Mindful that the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and a wide range of additional texts provide unequivocally that all persons are entitled to the full realization of economic, social and cultural rights,

Taking note of the Declaration on the Right to Development (General Assembly resolution 41/128 of 4 December 1986, annex),

Recalling paragraph I.10 of the Vienna Declaration and Programme of Action (A/CONF.157/23), in which the World Conference on Human Rights, inter alia, reaffirmed the right to development as a universal and inalienable right and an integral part of human rights, and urged States and the international community to promote effective international cooperation for the realization of the right to development and the elimination of obstacles to development,

Taking particular account of the results of the World Summit for Social Development, held at Copenhagen from 6 to 12 March 1995 (A/CONF.166/9), especially the recommendations of its Programme of Action concerning the United Nations system, inter alia, that United Nations operational activities for development should be strengthened in order to implement the Summit outcome, and that the United Nations system's capacity for gathering and analysing information and developing indicators of social development should be strengthened, taking into account the work carried out by different countries, in particular by developing countries (para. 99 (e)),

Aware that all States have legally binding obligations to respect, protect and fulfil economic, social and cultural rights,

Convinced that education plays a fundamental role for the exercise of human rights and for providing equality of opportunity for all,

Recalling the reports of the Special Rapporteur on the realization of economic, social and cultural rights, Mr. Danilo Türk, in particular his final report, which addressed a range of issues concerning the relationship between the enjoyment of human rights and income distribution (E/CN.4/Sub.2/1992/16, paras. 76-84),

Taking account of Mr. Asbjørn Eide's preparatory document on the relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution (E/CN.4/Sub.2/1994/21), the reports submitted by the Special Rapporteur on human rights and extreme poverty, Mr. Leandro Despouy (E/CN.4/Sub.2/1993/16, E/CN.4/Sub.2/1994/19 and E/CN.4/Sub.2/1995/15), and the report of the New York seminar (E/CN.4/1995/101),

Also taking account of its resolution 1994/40, in which it entrusted the Special Rapporteur, Mr. José Bengoa, with the preparation of a study on the enjoyment of human rights and income distribution, Commission on Human Rights decision 1995/105 of 24 February 1995 approving the mandate and Economic and Social Council decision 1995/295 of 24 July 1995 confirming that decision,

Concerned that the implementation of economic, social and cultural rights in general and the right to education in particular have not yet received sufficient attention within the United Nations human rights framework,

Aware that the relationship between income distribution and growing levels of poverty, as well as the violation of human rights, requires further in-depth research and analysis by the human rights community,

Reiterating the fundamental principles of equality of opportunity, human dignity, equity and justice, Affirming the inherent linkages between the enjoyment of all human rights, in particular economic, social and cultural rights, and the striving towards a more equitable distribution of economic resources both within and between nations,

Acknowledging that income disparity causes inequalities, especially among children, women and other vulnerable groups of society, who are discriminated against and denied the right to the same opportunities as the rest of the population,

Bearing in mind that it is necessary to analyse and overcome the obstacles that prevent societies from achieving greater equality of opportunity and better income distribution,

Considering that better income distribution would lead to more integrated and mutually supportive societies and, at the international level, to better conditions for maintaining world peace,

1. Welcomes the preliminary report on the relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution, prepared by the Special Rapporteur, Mr. José Bengoa (E/CN.4/Sub.2/1995/14);

2. Endorses the conclusion initially established in the preparatory document prepared by Mr. Eide and repeated in Mr. Bengoa's preliminary report that the concentration of wealth constitutes a serious obstacle to the realization of human rights, be they economic, social, cultural, political or civil, and that equality of opportunity is an essential element for participating effectively in the development process and for obtaining a just share of the benefits deriving from it;

3. Expresses its agreement with the work plan presented in the preliminary report, especially the suggestion that the outcome of the Copenhagen Summit for Social Development should be taken into account and followed up and encouragement given to the discussions needed for the complete and rapid achievement of its objectives;

4. Requests the Special Rapporteur to pay particular attention to the impact of the enjoyment of human rights, and that of the right to education in particular, on income distribution;

5. Also requests the Special Rapporteur to take special care to analyse the indicators needed for the gradual full satisfaction of economic, social and cultural rights;

6. Requests the Secretary-General to invite Governments, United Nations bodies, the specialized agencies and intergovernmental and non-governmental organizations to provide the Special Rapporteur with information relevant to the preparation of his report and urges them to participate actively in the work of the Sub-Commission;

7. Also requests the Secretary-General to provide the Special Rapporteur with all the assistance he may require for the preparation of his study;

8. Requests the Special Rapporteur to submit a progress report to the Sub-Commission at its forty-eighth session and a final report at its forty-ninth session.

35th meeting
24 August 1995
[Adopted without a vote. See chap. IX.]

1995/31. The relationship between the enjoyment of human rights and the working methods and activities of transnational corporations

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling the provisions of the Charter which establish that one of the Purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights for all,

Reaffirming the commitment of States Members of the United Nations, contained in Article 56 of the Charter, to take joint and separate action in cooperation with the Organization for the achievement of the Purposes set forth in Article 55 of the Charter,

Conscious that the Universal Declaration of Human Rights provides that everyone is entitled to realization of the economic, social and cultural rights indispensable for his dignity and the free development of his personality,

Considering that under the provisions of the Universal Declaration of Human Rights everyone is entitled to a social and international order in which the rights and freedoms set forth in the Declaration can be fully realized,

Reaffirming the Declaration on Social Progress and Development proclaimed by the General Assembly in its resolution 2542 (XXIV) of 11 December 1969 and the Declaration on the Right to Development adopted by the General Assembly in its resolution 41/128 of 4 December 1986,

Underlining that the right to development as a universal and inalienable right and an integral part of fundamental human rights was reaffirmed by the World Conference on Human Rights in the Vienna Declaration and Programme of Action (A/CONF.157/23) and that the human person is the central subject of development,

Recognizing that development is a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom, Reiterating that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner and on the same footing,

Recalling the four reports of the Special Rapporteur on the realization of economic, social and cultural rights, Mr. Danilo Türk (E/CN.4/Sub.2/1989/19, E/CN.4/Sub.2/1990/19, E/CN.4/Sub.2/1991/17, E/CN.4/Sub.2/1992/16),

Mindful of the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights, in which the need is underlined for a concerted effort to ensure recognition of economic, social and cultural rights at the national, regional and international levels,

Recognizing that the activities of the various organizations of the United Nations system should be closely interrelated and that it is necessary to draw on all the efforts made in the various disciplines relating to the human person in order to promote all human rights effectively,

Taking into account the background document prepared by the Secretary-General as requested in its resolution 1994/37 of 26 August 1994 (E/CN.4/Sub.2/1995/11),

1. Endorses the background document prepared by the Secretary-General as requested in its resolution 1994/37 of 26 August 1994 (E/CN.4/Sub.2/1995/11);

2. Requests the Secretary-General to prepare for its consideration at its forty-eighth session a report on the impact of the activities and working methods of transnational corporations on the full enjoyment of all human rights, in particular economic, social and cultural rights and the right to development, bearing in mind existing international guidelines, rules and standards relating to the subject matter;

3. Also requests the Secretary-General to invite Governments and intergovernmental organizations and non-governmental organizations to submit information on the impact of the working methods and activities of transnational corporations on the enjoyment of human rights, in particular economic, social and cultural rights and the right to development, for consideration in the preparation of his report;

4. Decides to consider the report of the Secretary-General at its forty-eighth session under the agenda item entitled "The realization of economic, social and cultural rights".

35th meeting
24 August 1995
[Adopted without a vote. See chap. IX.]

1995/32. Effects on the full enjoyment of human rights of structural adjustment programmes

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling the provisions of the Charter which establish that one of the Purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights for all,

Reaffirming the commitment of States Members of the United Nations, contained in Article 56 of the Charter, to take joint and separate action in cooperation with the Organization for the achievement of the Purposes set forth in Article 55 of the Charter,

Conscious that the Universal Declaration of Human Rights provides that everyone is entitled to realization of the economic, social and cultural rights indispensable for his dignity and the free development of his personality,

Reaffirming the Declaration on Social Progress and Development proclaimed by the General Assembly in its resolution 2542 (XXIV) of 11 December 1969 and the Declaration on the Right to Development adopted by the General Assembly in its resolution 41/128 of 4 December 1986,

Mindful of the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights, in which the need is underlined for a concerted effort to ensure recognition of economic, social and cultural rights at the national, regional and international levels,

Reaffirming the interdependence and indivisibility of civil, cultural, economic, political and social rights and that the promotion and protection of any of these rights should never exempt or excuse States from the promotion and protection of other rights,

Recognizing that the activities of the various organizations in the United Nations system should be closely interrelated and that it is necessary to draw on all the efforts made in the various disciplines relating to the human person in order to promote all human rights effectively,

Recalling the four reports of the Special Rapporteur on the realization of economic, social and cultural rights, Mr. Danilo Türk (E/CN.4/Sub.2/1989/19, E/CN.4/Sub.2/1990/19, E/CN.4/Sub.2/1991/17, E/CN.4/Sub.2/1992/16),

Recalling its resolutions 1989/20, 1989/21, 1990/16, 1991/27, 1992/29, 1993/36, 1993/40, 1994/37 and 1994/40, 1994/41 and 1994/48,

Recalling Commission on Human Rights resolutions 1989/15, 1990/17, 1990/18, 1991/13, 1992/9, 1993/12, 1994/11 and 1995/13, _Recalling also_ Commission on Human Rights resolution 1993/14, in which the Commission requested the Secretary-General to prepare basic policy guidelines on structural adjustment and economic, social and cultural rights, which could serve as a basis for a continued dialogue between human rights bodies and the international financial institutions,

Taking into account the report submitted by the Secretary-General in pursuance of its resolution 1994/37 of 26 August 1994 (E/CN.4/Sub.2/1995/10),

1. _Endorses_ the report of the Secretary-General submitted in pursuance of its resolution 1994/37 of 26 August 1994 (E/CN.4/Sub.2/1995/10);

2. _Requests_ the Commission on Human Rights to authorize an open-ended working group of the Commission to meet for a period of one week prior to its fifty-third session to elaborate, on the basis of the preliminary set of basic policy guidelines on structural adjustment programmes and economic, social and cultural rights contained in the report of the Secretary-General (E/CN.4/Sub.2/1995/10, chap. II) and in close cooperation with the Committee on Economic, Social and Cultural Rights, policy guidelines on the subject-matter;

3. _Invites_ the Commission on Human Rights to request the Secretary-General to invite Governments and intergovernmental and non-governmental organizations, as well as the Committee on Economic, Social and Cultural Rights, to contribute to the elaboration of draft policy guidelines by providing their comments on the preliminary set of basic policy guidelines, for consideration by the working group;

4. _Recommends_ that the Commission on Human Rights consider this question at its fifty-second session under the agenda item entitled "Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including: (a) problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development";

5. _Recommends_ the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. B, draft decision 5.]

35th meeting
24 August 1995
[Adopted without a vote. See chap. IX.]

1995/33. Question of human rights and states of emergency

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling Commission on Human Rights resolution 1983/18 of 22 February 1983, in which the Commission requested the Sub-Commission to propose measures designed to ensure respect throughout the world of human rights and fundamental freedoms in situations where states of siege or emergency exist, especially of those rights referred to in article 4, paragraph 2, of the International Covenant on Civil and Political Rights, prohibiting derogation from certain rights, even in time of public emergency,

Recalling also the following resolutions it has adopted on this question: 10 (XXX) of 31 August 1977, 1983/28 and 1983/30 of 6 September 1983, 1985/32 of 30 August 1985, 1987/25 of 3 September 1987, 1988/24 of 1 September 1988, 1989/28 of 1 September 1989, 1990/19 of 30 August 1990, 1991/18 of 28 August 1991, 1992/22 of 27 August 1992, 1993/28 of 25 August 1993 and 1994/36 of 26 August 1994,

Having taken note of the eighth revised annual report and list of States which, since 1 January 1985, have proclaimed, extended or terminated a state of emergency, submitted by the Special Rapporteur, Mr. Leandro Despouy (E/CN.4/Sub.2/1995/20 and Corr.1),

Bearing in mind that, in its resolution 1991/34 of 5 March 1991, the Commission on Human Rights invited the Sub-Commission to consider the question of the effectiveness of habeas corpus and similar remedies during states of emergency, and that the working group on the administration of justice and the question of compensation postponed consideration of this question until next year in order to take into account the suggestions made by the Special Rapporteur in his ninth report,

Recalling that it requested the Special Rapporteur to consider in depth the question of non-derogable rights in states or situations of emergency, and noting with satisfaction that he organized for that purpose two international expert meetings whose findings he submitted to the Sub-Commission in his eighth report,

1. Takes note with interest of the eighth revised annual report and list of States which, since 1 January 1985, have proclaimed, extended or terminated a state of emergency, submitted by the Special Rapporteur (E/CN.4/Sub.2/1995/20 and Corr.1), and notes with satisfaction that the Special Rapporteur is increasingly enjoying active cooperation from States, as well as competent bodies of the United Nations, the specialized agencies, non-governmental organizations and competent university institutes;

2. Notes with concern that, as is apparent from the eighth report, since 1 January 1985 a state of emergency has been proclaimed, extended or maintained in various forms on 200 occasions in States and territories, [illegible] the same period it has been terminated only some 60 times;

3. Takes note with concern of the Special Rapporteur's observations regarding the frequent adverse repercussions of states of emergency on constitutional institutions, particularly Parliaments, whose legislative power and power to monitor the executive are not only limited but may even be reduced to naught and which may, by virtue of the state of emergency, be unconstitutionally dissolved and its members prosecuted or arrested arbitrarily, and considers that these grave consequences merit study in order to be guarded against;

4. Invites all States whose legislation does not contain any explicit provision guaranteeing the legality of the introduction of a state of emergency to adopt provisions in conformity with international rules and principles, as developed in the successive reports of the Special Rapporteur and endorsed by the Commission on Human Rights, and similarly invites States whose legislation explicitly provides for states of emergency to ensure that such legislation is in conformity with international rules on the matter;

5. Notes the increasing interest shown by States in receiving technical assistance concerning states of emergency and the rights which cannot be derogated from in such circumstances, and expresses the hope that the Secretary-General will be able to respond promptly and effectively to requests from States in the context of advisory services in the field of human rights and through the Special Rapporteur;

6. Urges Governments, particularly those facing situations of internal unrest, to limit resort to a state of emergency exclusively to circumstances whose seriousness and exceptional character are such that they justify the introduction of such an emergency and to combine such introduction with guarantees, notably with regard to proportionality, duration and the inalienability of non-derogable rights, intended to maintain respect for human rights, so as to prevent a state of emergency from becoming commonplace and from being unjustifiably perpetuated;

7. Notes with deep concern that, to deal with certain situations, including internal unrest or the threat of such unrest, some States do not hesitate to take emergency measures without officially proclaiming a state of emergency and that such measures have serious repercussions on the enjoyment of human rights, and invites all States to ensure that no emergency measure, including suspension or limitation of certain basic rights, is taken without the corresponding state of emergency being officially proclaimed, in accordance with national law and international rules and principles;

8. Takes note with interest of the principles to be followed for drafting legal provisions on states of emergency contained in the Special Rapporteur's fourth annual report (E/CN.4/Sub.2/1991/28/Rev.1) and the report of the expert meeting on non-derogable rights in states or situations of emergency submitted by the Special Rapporteur in his eighth report, and encourages the Special Rapporteur to submit his conclusions and recommendations on this subject in his ninth report;

[illegible] and experts already held by [illegible] resolution 1993/28 of 25 August 1993 on the subject of receiving, storing and retrieving information, through a database, on states of emergency and related human rights questions, and invites him to pursue and broaden such consultations so as to report to it on the results at its forty-eighth session;

10. *Requests* the Special Rapporteur to submit to the Commission on Human Rights at its fifty-second session an updated list of States which have proclaimed, extended or terminated a state of emergency since 1 January 1985, so that the Commission will have the latest and most comprehensive information possible on the past 10 years;

11. *Requests* the Secretary-General to place at the disposal of the Special Rapporteur all the human and material resources needed to carry out his mandate in accordance with the foregoing;

12. *Recommends* the following draft resolution to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. A, draft resolution I.]

35th meeting
24 August 1995
[Adopted without a vote. See chap. XI.]

1995/34. *Question of the impunity of perpetrators of violations of human rights (economic, social and cultural rights)*

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, other relevant human rights instruments and the Geneva Conventions of 12 August 1949,

Recalling the interdependence and indivisibility of civil and political rights and economic, social and cultural rights,

Convinced that the increasingly widespread practice worldwide of impunity for perpetrators of violations of human rights is a fundamental obstacle to the observance of human rights,

Recalling its resolution 1992/23 of 27 August 1992, in which it decided to request Mr. El Hadji Guissé and Mr. Louis Joinet to draft a study on the impunity of perpetrators of violations of human rights, and Commission on Human Rights resolution 1993/43 of 5 March 1993, in which the Commission endorsed the decision of the Sub-Commission,

Recalling also its resolution 1993/37 of 26 August 1993 and, in particular, its resolution 1994/34 of 26 August 1994, in which it decided, in order to facilitate the treatment of the question, to entrust Mr. Joinet with the completion of the first aspect, concerning civil and political rights, and Mr. Guissé with the second aspect, concerning economic, social and cultural rights,

Bearing in mind paragraph II.91 of the Vienna Declaration and Programme of Action (A/CONF.157/23), in which the World Conference on Human Rights supported the efforts of the Commission and the Sub-Commission to intensify opposition to the impunity of perpetrators of serious violations of human rights,

1. Welcomes with satisfaction the interim report on opposition to the impunity of perpetrators of violations of human rights (economic, social and cultural rights) prepared by Mr. El Hadji Guissé (E/CN.4/Sub.2/1995/19);

2. Requests the Special Rapporteur to submit his final report to the Sub-Commission at its forty-eighth session;

3. Requests the Secretary-General to provide the Special Rapporteur with any assistance required to enable him to discharge his task;

4. Invites Governments, competent bodies of the United Nations, the specialized agencies, regional intergovernmental organizations and non-governmental organizations to provide or continue to provide information on the question;

5. Decides to consider the question of the impunity of perpetrators of violations of human rights (economic, social and cultural rights) at its forty-eighth session under the agenda item entitled "The realization of economic, social and cultural rights".

35th meeting
24 August 1995
[Adopted without a vote. See chap. XI.]

1995/35. Question of the impunity of perpetrators of violations of human rights (civil and political rights)

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, other relevant human rights instruments and the Geneva Conventions of 12 August 1949,

Convinced that the increasingly widespread practice worldwide of impunity for perpetrators of violations of human rights is a fundamental obstacle to the observance of human rights,

Recalling its resolution 1992/23 of 27 August 1992, in which it decided [illegible] Joinet to draft a study on the impunity of perpetrators of violations of human rights, and Commission on Human Rights resolution 1993/43 of 5 March 1993, in which the Commission endorsed the decision of the Sub-Commission,

Recalling also its resolutions 1993/37 of 26 August 1993 and 1994/34 of 26 August 1994, concerning efforts to combat impunity,

Bearing in mind paragraph II.91 of the Vienna Declaration and Programme of Action (A/CONF.157/23), in which the World Conference on Human Rights supported the efforts of the Commission and the Sub-Commission to intensify opposition to the impunity of perpetrators of serious violations of human rights,

1. Welcomes with satisfaction the progress report on the question of the impunity of perpetrators of violations of human rights (economic and social rights) prepared by Mr. Luis Joinet (E/CN.4/Sub.2/1995/18);

2. Requests the Special Rapporteur to submit his final report to it at its forty-eighth session;

3. Requests the Secretary-General to provide the Special Rapporteur with any assistance required to enable him to discharge his task;

4. Invites Governments, competent bodies of the United Nations, the specialized agencies, regional intergovernmental organizations and non-governmental organizations to provide or continue to provide information on the question;

5. Decides to consider the question of the impunity of perpetrators of violations of human rights (civil and political rights) at its forty-eighth session under the agenda item entitled "The administration of justice and the human rights of detainees".

35th meeting
24 August 1995
[Adopted without a vote. See chap. XI.]

1995/36. United Nations Voluntary Fund for Indigenous Populations

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Bearing in mind Article 71 of the Charter of the United Nations and Economic and Social Council resolution 1296 (XLIV) of 23 May 1968,

Recalling General Assembly resolution 40/131 of 13 December 1985 establishing the United Nations Voluntary Fund for Indigenous Populations,

Recalling also paragraph 5 of General Assembly resolution 49/214 of 23 December 1994 in which the Assembly encouraged the Commission on Human Rights to consider the draft United Nations declaration on the rights of indigenous people with the participation of representatives of indigenous determined by the Commission, with a view to achieving the adoption of a draft declaration by the General Assembly within the International Decade of the World's Indigenous People,

Noting Commission on Human Rights resolution 1995/32 of 3 March 1995, in which the Commission decided to establish an open-ended inter-sessional working group with the sole purpose of elaborating a draft declaration,

Convinced that the participation of indigenous people in the meetings and discussions relating to the text of the draft declaration will constitute an important development for the future promotion and protection of the human rights of indigenous people,

1. _Recommends_ that the Commission on Human Rights recommend, through the Economic and Social Council, that the General Assembly update its resolution 40/131 of 13 December 1985 by adding in subparagraph (b) the words "and the working group established by the Commission on Human Rights in its resolution 1995/32 of 3 March 1995" after the words "Working Group on Indigenous Populations";

2. _Decides_ to recommend the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. B, draft decision 6.]

35th meeting
24 August 1995
[Adopted without a vote. See chap. XV.]

1995/37. _International Decade of the World's Indigenous People_

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Bearing in mind that one of the purposes of the United Nations, as set forth in the Charter, is the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling General Assembly resolution 48/163 of 21 December 1993, in which the Assembly proclaimed the International Decade of the World's Indigenous People, and Commission on Human Rights resolution 1995/28 of 3 March 1995,

Recognizing the importance of consulting and cooperating with indigenous peoples and the need for financial support from within the United Nations, and aware of the need to build on the results and lessons of the International Year of the World's Indigenous People and the first year of the International Decade of the World's Indigenous People, Having considered the report of the Working Group on Indigenous Populations on its thirteenth session (E/CN.4/Sub.2/1995/24),

Emphasizing the importance of the workshops and technical meetings for the world's indigenous people,

1. Welcomes the report of the second technical meeting on the International Decade of the World's Indigenous People (E/CN.4/Sub.2/AC.4/1995/5);

2. Expresses its appreciation to the Chairperson-Rapporteur of the second technical meeting, Mr. Antonio Garcia;

3. Welcomes the observance of the International Day of Indigenous People on 9 August every year;

4. Stresses the importance of strengthening international cooperation for the solution of problems faced by indigenous people in areas such as human rights, the environment, development, education and health;

5. Recommends that a board of trustees for the United Nations Voluntary Trust Fund for the International Decade be established as soon as possible to consider projects submitted by indigenous and other organizations during the Decade, in accordance with United Nations rules and regulations, and that the members of the board include representatives of indigenous people;

6. Requests that the Secretary-General include in his report to the General Assembly the suggestions made in the course of the debate on the International Decade at the thirteenth session of the Working Group on Indigenous Populations.

35th meeting
24 August 1995
[Adopted without a vote. See chap. XV.]

1995/38. Discrimination against indigenous peoples

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Bearing in mind that one of the purposes of the United Nations, as set forth in the Charter, is the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and fundamental freedoms for all without discrimination as to race, sex, language or religion,

Reaffirming the urgent need to recognize, promote and protect more effectively the human rights and fundamental freedoms of indigenous peoples, Recalling Economic and Social Council resolution 1982/34 of 7 May 1982, in which the Council authorized the Sub-Commission to establish annually a working group on indigenous populations,

Taking note with appreciation of the report of the Working Group on its thirteenth session (E/CN.4/Sub.2/1995/24) and, in particular, of its conclusions and recommendations,

Taking note also of Commission on Human Rights resolution 1993/30 of 5 March 1993, in which the Commission recommended to all thematic rapporteurs, special representatives, independent experts and working groups to pay special attention, within the framework of their mandates, to the situation of indigenous people,

Mindful of the relevant recommendations adopted by the World Conference on Human Rights, in particular those contained in Part I, paragraph 20 and Part II, paragraphs 28 to 32 of the Vienna Declaration and Programme of Action (A/CONF.157/23),

1. Expresses its deep appreciation to the Working Group on Indigenous Populations and in particular to its Chairperson-Rapporteur, Ms. Erica-Irene A. Daes, for the work accomplished during its thirteenth session;

2. Requests the Secretary-General to transmit the report of the Working Group on its thirteenth session to indigenous organizations, Governments and intergovernmental and non-governmental organizations concerned, as well as to all thematic rapporteurs, special representatives, independent experts and working groups;

3. Recommends that the Chairperson-Rapporteur of the Working Group be entrusted with the preparation of a working paper on the concept of "indigenous people" and that the working paper be transmitted to Governments, intergovernmental organizations and indigenous peoples' organizations for their comments for submission to the Working Group at its fourteenth session;

4. Also recommends that the Working Group cooperate as a body of experts in any conceptual clarifications or analysis, which might also assist the working group established by the Commission on Human Rights in its resolution 1995/32 of 3 March 1995 to elaborate further the draft United Nations declaration on the rights of indigenous peoples;

5. Endorses the recommendation of the Working Group to highlight specific topics at its future sessions and to focus on indigenous health at its fourteenth session;

6. Requests the Secretary-General to invite Governments, intergovernmental organizations and indigenous and non-governmental organizations to provide information, in particular on matters relating to indigenous health, to be made available as a background paper at the fourteenth session of the Working Group;

7. Requests the Chairperson-Rapporteur of the Working Group to inform the Board of Trustees of the United Nations Voluntary Fund for Indigenous

Populations that the Working Group at its fourteenth session will highlight health questions, so that the Board can bear this in mind when it meets for its ninth session in April 1996;

8. *Requests* the Secretary-General to prepare an annotated agenda for the fourteenth session of the Working Group containing, *inter alia*, the following items: standard-setting activities, review of developments, the study of treaties and agreements and other constructive arrangements between States and indigenous peoples, the International Decade of the World's Indigenous People, including a sub-item on United Nations operational activities and indigenous peoples, the permanent forum for indigenous people, the future of the Working Group and the United Nations Voluntary Fund for Indigenous Populations;

9. *Recommends* that the Commission on Human Rights request the Economic and Social Council to authorize the Working Group to meet for eight working days prior to the forty-eighth session of the Sub-Commission;

10. *Decides* to recommend to the Commission on Human Rights the following draft decision for adoption:

[For the text, see chap. I, sect. B, draft decision 7.]

35th meeting
24 August 1995
[Adopted without a vote. See chap. XV.]

1995/39. *Permanent forum in the United Nations for indigenous people*

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the purposes and principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Bearing in mind the recommendation contained in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights that the establishment of a permanent forum for indigenous people in the United Nations system should be considered (A/CONF.157/23, para. II.32),

Recalling General Assembly resolution 48/163 of 21 December 1993 and Commission on Human Rights resolution 1995/30 of 3 March 1995,

Noting the report of the workshop held in accordance with Commission on Human Rights resolution 1995/30 (E/CN.4/Sub.2/AC.4/1995/7) and the views expressed by Governments (E/CN.4/Sub.2/AC.4/1995/7/Add.1) and indigenous organizations (E/CN.4/Sub.2/AC.4/1995/7/Add.3) and the note of the Chairperson-Rapporteur of the Working Group on Indigenous Populations, Ms. Erica-Irene Daes (see E/CN.4/Sub.2/AC.4/1995/7/Add.2), Taking into account the comments and suggestions of participants at the thirteenth session of the Working Group on Indigenous Populations,

1. Welcomes the request to the Commission on Human Rights by the General Assembly in its resolution 48/163 of 21 December 1993 to give priority consideration to the establishment of a permanent forum for indigenous people in the United Nations system;

2. Requests the Secretary-General to transmit the report of the workshop on the permanent forum for indigenous people (E/CN.4/Sub.2/AC.4/1995/7) to Governments and intergovernmental and indigenous organizations inviting them to express their views concerning the establishment of a permanent forum for indigenous people and to report on the comments and suggestions received to the Working Group on Indigenous Populations at its fourteenth session;

3. Also requests the Secretary-General to review existing mechanisms, procedures and programmes within the United Nations for promotion and coordination of the rights of indigenous people;

4. Recommends that the future permanent forum be established in the early part of the International Decade of the World's Indigenous People and that its mandate should include questions relating to human rights, development, the environment, health, education and culture;

5. Also recommends that the membership of the future permanent forum consist of independent experts and representatives of Governments and indigenous organizations and, subject to its being open to non-members, that it also be open to representatives of indigenous organizations without regard to consultative status;

6. Further recommends that the Centre for Human Rights organize a second workshop on a possible permanent forum for indigenous people with the participation of independent experts and representatives of Governments, indigenous organizations and United Nations bodies and specialized agencies;

7. Decides to recommend to the Commission on Human Rights the following draft decision for adoption:

[For the text, see chap. I sect. B, draft decision 8.]

35th meeting
24 August 1995
[Adopted without a vote. See chap. XV.]

1995/40. Protection of the heritage of indigenous people

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1991/32 of 29 August 1991, in which it decided to entrust Mrs. Erica-Irene A. Daes, as Special Rapporteur, with the task of preparing a study of measures which should be taken by the international community to strengthen respect for the cultural property of indigenous peoples,

Recalling also its resolution 1993/44 of 23 August 1993, in which it expressed its deep appreciation to the Special Rapporteur, Mrs. Erica-Irene A. Daes, for her comprehensive study on the protection of the cultural and intellectual property of indigenous peoples (E/CN.4/Sub.2/1993/28) and requested her to expand her study with a view to elaborating draft principles and guidelines for the protection of the heritage of the indigenous peoples,

Recalling further Commission on Human Rights resolution 1994/29 of 4 March 1994 and its decision 1995/108 of 3 March 1995,

Noting Economic and Social Council decision 1995/297 of 25 July 1995, in which the Council, inter alia, welcomed the preliminary report of the Special Rapporteur on the protection of the heritage of indigenous people (E/CN.4/Sub.2/1994/31) and the relevant principles and guidelines set out in the annex thereto and authorized the Special Rapporteur to prepare her final report, taking into consideration the comments and information received, and to submit it to the Sub-Commission at its forty-seventh session,

Having duly considered the final report submitted by the Special Rapporteur (E/CN.4/Sub.2/1995/26) and the draft principles and guidelines for the protection of the heritage of indigenous people annexed thereto,

1. Expresses its deep appreciation to the Special Rapporteur, Mrs. Erica-Irene A. Daes, for her excellent report on the protection of the heritage of indigenous people (E/CN.4/Sub.2/1995/26) and the draft principles and guidelines annexed thereto;

2. Takes note of the limited number of replies received from Governments, indigenous communities and organizations and other parties concerned;

3. Requests the Secretary-General to submit the above-mentioned report as soon as possible to Governments, specialized agencies, indigenous people's communities and organizations, and intergovernmental and non-governmental organizations concerned for their comments;

4. Requests the Special Rapporteur to prepare a supplementary report on the basis of the comments and information received from Governments, indigenous communities and intergovernmental and non-governmental organizations concerned and to submit it to the Sub-Commission at its forty-eighth session;

5. Also requests the Special Rapporteur to include in her supplementary report a chapter concerning relevant activities undertaken in other forums, such as the United Nations Development Programme, the United Nations Educational, Scientific and Cultural Organization, the Food and Agriculture Organization of the United Nations, the World Intellectual Property Organization, and the World Trade Organization, and to take into

consideration, inter alia, the Convention on Biological Diversity, the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, and other relevant international instruments;

6. Requests the Secretary-General to provide the Special Rapporteur with all the necessary assistance to enable her to carry out her mandate and to complete the study successfully;

7. Recommends that the basic and comprehensive study on the protection of the cultural and intellectual property of indigenous peoples prepared by the Special Rapporteur (E/CN.4/Sub.2/1993/28) be published in all the official languages of the United Nations and disseminated widely;

8. Recommends the following draft resolution to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. A, draft resolution II.]

36th meeting
25 August 1995
[Adopted without a vote. See chap. XV.]

B. Decisions

1995/101. Human rights and scientific and technological developments

At its 1st meeting, on 31 July 1995, the Sub-Commission decided, without a vote, to postpone the consideration of item 12 of its provisional agenda until its forty-eighth session.

[See chap. III.]

1995/102. Adoption of the agenda of the forty-seventh session of the Sub-Commission

At its 1st meeting, on 31 July 1995, the Sub-Commission decided, without a vote, to include a new item on its agenda entitled "The fiftieth anniversary of the United Nations and the Sub-Commission".

[See chap. III.]

1995/103. Establishment of a sessional working group on the administration of justice and the question of compensation

At its 2nd meeting, on 1 August 1995, the Sub-Commission, recalling its decision 1994/104 of 2 August 1994 and its resolution 1994/33 of

26 August 1994, decided, without a vote, to establish a sessional working group on the administration of justice and the question of compensation, under agenda item 10.

[See chap. III.]

1995/104. Organization of work

At its 2nd meeting, on 1 August 1995, the Sub-Commission decided, without a vote, to invite the following persons to participate in its meetings:

(a) In connection with item 3: Mr. Musa bin Hitam, Chairman of the fifty-first session of the Commission on Human Rights (pursuant to Commission on Human Rights resolution 1995/26 of 3 March 1995);

(b) In connection with item 5 (a): Mr. Maurice Glèlè-Ahanhanzo, Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination and xenophobia and related intolerance;

(c) In connection with item 8: Mr. Rajindar Sachar, to present the final report on the right to adequate housing (E/CN.4/Sub.2/1995/12) and Mr. Leandro Despouy, to present the second interim report on human rights and extreme poverty (E/CN.4/Sub.2/1995/15);

(d) In connection with item 10 (a): Mr. Leandro Despouy, to present the eighth annual report and list of States which have proclaimed, extended, or terminated a state of emergency (E/CN.4/Sub.2/1995/20 and Corr.1);

(e) In connection with items 15 and 16: Ms. Ofelia Calcetas-Santos, Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography (pursuant to Commission on Human Rights resolution 1995/79 of 8 March 1995).

[See chap. III.]

1995/105. Monitoring the transition to democracy in South Africa

At its 8th meeting, on 4 August 1995, the Sub-Commission decided without a vote: (i) to take note of the report of the Special Rapporteur, Ms. Judith Sefi Attah, on the mission to South Africa from 7 to 18 November 1994 (E/CN.4/1995/24); and (ii) not to hold a general debate on item 5 (b).

[See chap. VI.]

1995/106. Voting by secret ballot on proposals pertaining to allegations of violations of human rights in countries

At its 26th meeting on 18 August 1995, the Sub-Commission decided, without a vote, pursuant to Economic and Social Council resolution 1991/32 of 31 May 1991, to vote by secret ballot, whenever such a vote was requested, on proposals pertaining to allegations of violations of human rights in countries, including proposals of a procedural nature relating to proposals of a substantive nature.

[See chap. VII.]

1995/107. Humanitarian situation in Iraq

At its 26th meeting, on 18 August 1995, the Sub-Commission, recalling its decision 1994/111 of 25 August 1994, affirming the need to respect the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the relevant provisions of the Geneva Conventions of 12 August 1949 and the two Additional Protocols thereto, recalling also the Declaration of Minimum Humanitarian Standards contained in document E/CN.4/Sub.2/1991/55, deeply concerned at reports of the serious consequences which the embargo imposed on Iraq for the past five years is having on the entire civilian population in Iraq and, in particular, on children, women and the most underprivileged sectors of the population, decided, without a vote, to appeal once again to the international community as a whole and to all Governments, including that of Iraq, to facilitate the supply of food and medicines to the civilian population.

[See chap. VII.]

1995/108. Situation of human rights in Turkey

At its 26th meeting, on 18 August 1995, the Sub-Commission, taking note of the positive initiatives undertaken by the Turkish authorities in the field of freedom of expression, decided by secret ballot by 11 votes to 9, with 2 abstentions, to postpone consideration of the question until its next session in expectation of the implementation of those measures.

[See chap. VII.]

1995/109. Draft programme of action on the traffic in persons and the exploitation of the prostitution of others

At its 27th meeting, on 18 August 1995, the Sub-Commission, taking note of the draft programme of action on the traffic in persons and the exploitation of the prostitution of others, reformulated by the Working Group on Contemporary Forms of Slavery on the basis of comments submitted by States, specialized agencies and interested non-governmental organizations pursuant to Commission on Human Rights resolution 1995/27 of 3 March 1995, decided, without a vote, to transmit the draft programme of action (E/CN.4/Sub.2/1995/28/Add.1) to the Commission on Human Rights.

[See chap. XVI.]

1995/110. Comprehensive programme for the prevention of discrimination and protection of minorities

At its 27th meeting, on 18 August 1995, the Sub-Commission, taking into account the working paper prepared by Mr. Asbjørn Eide presented at its forty-sixth session (E/CN.4/Sub.2/1994/36 and Corr.1), decided, without a vote, to request Mr. Eide to prepare, without financial implications, a second working paper containing further suggestions for a comprehensive programme for the prevention of discrimination and protection of minorities, including proposals for the examination of thematic issues relating to racism, xenophobia, minorities and migrant workers, to be presented at its forty-eighth session, and to request Mr. Eide to take into account the discussion and the proposals made during the joint meeting between the Sub-Commission and the Committee on the Elimination of Racial Discrimination on 8 August 1995.

[See chap. XXI.]

1995/111. Human rights dimensions of population transfer, including the implantation of settlers and settlements

At its 34th meeting, on 24 August 1995, the Sub-Commission, recalling its resolution 1994/42 of 26 August 1994, and bearing in mind that the Special Rapporteur on the human rights dimensions of population transfer, including the implantation of settlers and settlements, Mr. Awn Al-Khasawneh, was not in a position to submit his final report to the Sub-Commission at its forty-seventh session, decided, without a vote, to request the Special Rapporteur to submit his final report to the Sub-Commission at its forty-eighth session, and to request the Secretary-General to provide the Special Rapporteur with all the assistance necessary in order to allow him to complete his work. The Sub-Commission also decided to consider the final report of the Special Rapporteur at its forty-eighth session.

[See chap. XIX.]

1995/112. Methods of work of the Sub-Commission

At its 35th meeting, on 24 August 1995, the Sub-Commission decided, without a vote, to adopt, on an experimental basis, the following rulings concerning its methods of work at its forty-eighth session:

(a) All statements in exercise of the right of reply will be made only at the end of the debate on each agenda item;

(b) Denunciations of cases of violations of human rights and specific accusations made under item 6 cannot be repeated under another item of the agenda.

[See chap. IV.]

1995/113. Review of the work of the Sub-Commission

At its 35th meeting, on 24 August 1995, in the light of the good results of the practice, adopted at its forty-seventh session, of considering agenda item 6 at the beginning of the session, the Sub-Commission decided, without a vote, to continue that practice and to consider item 6 at its forty-eighth session starting on the day following the adoption of the agenda.

[See chap. IV.]

1995/114. Methods of work of the Sub-Commission

At its 35th meeting, on 24 August 1995, the Sub-Commission decided, without a vote, to earmark at least one closed meeting at its forty-eighth session, during which only the members of the Sub-Commission could take the floor, to enable the experts and their alternates to exchange views among themselves on various topics.

[See chap. IV.]

1995/115. Improvement in the method of consideration of item 6 of the agenda of the Sub-Commission concerning violations of human rights and fundamental freedoms

At its 35th meeting, on 24 August 1995, the Sub-Commission decided, without a vote, to consider at its forty-eighth session how best to carry out its mandate in examining item 6 of its agenda concerning violations of human rights and fundamental freedoms, while taking into account all reliable sources. In that regard, and taking into account the interest shown in the information contained in the reports of Special Rapporteurs and Chairmen-Rapporteurs of Working Groups of the Commission on Human Rights, the Sub-Commission requested the Secretariat on the one hand to make those reports available to the experts who requested them at the forty-eighth session and on the other hand to undertake appropriate consultations with the Special Rapporteurs and Chairmen-Rapporteurs, in particular during their annual joint meeting, so that their preoccupations and those of the Sub-Commission could be taken into account; and requested the Secretary-General to report on that meeting to the Sub-Commission at its forty-eighth session.

[See chap. IV.]

1995/116. Democratic society

At its 35th meeting, on 24 August 1995, the Sub-Commission, having taken into consideration the oral statement on the subject made by Mr. Osman El-Hajjé, decided without a vote, to request Mr. El-Hajjé to prepare, without financial implications, a working paper on democracy and the establishment of a democratic society, to be submitted to it at its forty-eighth session.

[See chap. V.]

1995/117. The right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms

At its 35th meeting, on 24 August 1995, the Sub-Commission, taking note with satisfaction of the report of the sessional working group on the administration of justice and the question of compensation (E/CN.4/Sub.2/1995/16 and Corr.1), decided, without a vote, to request the working group to continue with priority, at the forty-eighth session, the consideration of the proposed basic principles and guidelines proposed by the Special Rapporteur, Mr. Theo van Boven, in his study entitled "The right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms", with a view to making substantive progress in the matter, and to request Mr. van Boven to submit, without financial implications, in time for the Sub-Commission's consideration at its forty-eighth session, a revised set of proposed basic principles and guidelines on remedies in the light of existing relevant international instruments, taking into account the new comments received from States and intergovernmental organizations and non-governmental organizations, as well as the relevant sections of the report of the working group on the administration of justice and the question of compensation.

[See chap. XI.]

1995/118. Study on treaties, agreements and other constructive arrangements between States and indigenous populations

At its 35th meeting, on 24 August 1995, the Sub-Commission, recalling its resolutions 1989/38 of 1 September 1989 and 1990/28 of 31 August 1990, and its decisions 1991/111 of 29 August 1991, 1992/110 of 27 August 1992 and 1994/116 of 26 August 1994, expressed its satisfaction at the effort made by the Special Rapporteur, Mr. Miguel Alfonso Martínez, to submit his second progress report on the study on treaties, agreements and other constructive arrangements between States and indigenous populations to the Working Group on Indigenous Populations at its thirteenth session and to the Sub-Commission at its forty-seventh session and decided to request the Special Rapporteur to submit a third report to the Working Group at its fourteenth session and to the Sub-Commission at its forty-eighth session and a final report to both bodies at their fifteenth and forty-ninth sessions respectively. It also decided to request the Secretary-General to give the Special Rapporteur all the assistance necessary to enable him to continue and conclude his study, in particular by providing for specialized research assistance and for the necessary visits to Geneva for consultation with the Centre for Human Rights, and the resources necessary for a field mission to examine *in situ* the contemporary significance of a historic treaty in one country, to be determined in consultation with the Government concerned, as a practical example for inclusion in the final report. The Sub-Commission further decided to recommend that the Commission on Human Rights request the Economic and Social Council to endorse its decision.

[See chap. XV.]

1995/119. Composition of the pre-sessional working groups of the Sub-Commission

At its 36th meeting, on 25 August 1995, the Sub-Commission approved the following composition of the pre-sessional working groups of the Sub-Commission, with the understanding that, in view of the forthcoming elections for half of the members of the Sub-Commission, to be held during the fifty-second session of the Commission on Human Rights, the Chairman of the Sub-Commission, in consultation with the regional groups, would take the necessary action to replace any members of the pre-sessional working groups not re-elected to the Sub-Commission.

Regional groups	Communications	Indigenous Populations	Minorities	Contemporary Forms of Slavery
Asia	Mr. Fan Guoxiang (Mr. Zhong Shukong)	Mr. Hatano (Mr. Ali Khan)	Mr. Ali Khan (Mr. El-Hajje)	Mr. Hakim (Mr. El-Hajje)
Africa	Mr. Yimer (Ms. Mbonu)	Mr. Guissé (Mr. Khalil)	Mr. Khalil	Ms. Warzazi (Ms. Gwanmesia)
Latin America	Ms. Forero Ucros (Ms. Zelner)	Mr. Alfonso Martínez (Mr. Bengoa)	Mr. Bengoa (Mr. Alfonso Martínez)	Mr. Lindgren Alves (Ms. Ferriol Echevarría)
Western Europe	Ms. Palley (Mr. Bossuyt)	Ms. Daes	Mr. Eide (Mr. Helgesen)	Mr. Bossuyt
Eastern Europe	Mr. Ramishvili	Mr. Boutkevitch	Mr. Chernichenko	Mr. Maxim

[See chaps. X, XV, XVI and XVIII.]

III. ORGANIZATION OF THE FORTY-SEVENTH SESSION

A. Opening and duration of the session

1. The Sub-Commission on Prevention of Discrimination and Protection of Minorities held its forty-seventh session at the United Nations Office at Geneva from 31 July to 25 August 1995. It held 36 meetings (E/CN.4/Sub.2/1995/SR.1-36 and SR.33/Add.1 and SR.36/Add.1) during the session.

2. The session was opened by Ms. Judith Sefi Attah, Chairperson of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-sixth session, who made a statement. The High Commissioner for Human Rights, Mr. José Ayala-Lasso, also addressed the Sub-Commission at its 1st meeting on 31 July 1995.

B. Attendance

3. The session was attended by members of the Sub-Commission, by observers for States Members of the United Nations, by observers for non-member States and by representatives of United Nations bodies, specialized agencies, intergovernmental organizations, a national liberation movement and non-governmental and other organizations. The attendance list is given in annex II to the present report.

C. Election of officers

4. At its 1st meeting, on 31 July 1995, the Sub-Commission elected the following officers by acclamation:

Chairman:	Mr. Ioan Maxim
Vice-Chairmen:	Mr. Asbjørn Eide Mr. El-Hadji Guissé Mr. Maksum-Ul-Hakim
Rapporteur:	Mr. José Bengoa

D. Adoption of the agenda

5. At its 1st meeting, the Sub-Commission had before it the provisional agenda for the forty-seventh session (E/CN.4/Sub.2/1995/1 and Corr.1), drawn up in accordance with rule 5 of the rules of procedure of the functional commissions of the Economic and Social Council, on the basis of the draft provisional agenda considered by the Sub-Commission at its forty-sixth session in accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII).

6. At the same meeting, statements with regard to the provisional agenda for the forty-seventh session were made by Mr. Ali Khan, Ms. Attah, Mr. Bengoa, Ms. Daes, Ms. Ferriol Echevarría, Mr. Eide, Mr. El-Hajjé, Mr. Fan Guoxiang, Ms. Gwanmesia, Mr. Joinet, Mr. Lindgren Alves, Ms. Warzazi and Mr. Yimer.

7. At the proposal of Mr. Joinet, the Sub-Commission decided to postpone consideration of item 12 of the provisional agenda entitled "Human rights and scientific and technological developments" to the forty-eighth session of the Sub-Commission.

8. For the text of the decision, see chapter II, section B, decision 1995/101.

9. Ms. Daes proposed the inclusion of a new agenda item entitled "The fiftieth anniversary of the United Nations and the Sub-Commission". The members of the Sub-Commission decided to approve the proposal.

10. For the text of the decision, see chapter II, section B, decision 1995/102.

11. At the same meeting, the agenda, as revised, was adopted without a vote.

12. For the text of the agenda, see annex I to the present report.

E. Organization of work

13. At the 2nd meeting, on 1 August 1995, the Sub-Commission decided to establish a sessional working group on the administration of justice and the question of compensation, under agenda item 10.

14. For the text of the decision, see chapter II, section B, decision 1995/103.

15. At the same meeting, upon the recommendation of its officers, the Sub-Commission decided to invite a number of experts and special rapporteurs to participate in the meetings at which their reports were to be considered.

16. For the text of the decision, see chapter II, section B, decision 1995/104.

F. Meetings, resolutions and documentation

17. Written communications transmitted by Governments and non-governmental organizations for circulation at the forty-seventh session of the Sub-Commission are mentioned in the chapter on the items to which the communications refer.

18. The Sub-Commission adopted resolutions 1995/1 to 1995/40 and took 19 decisions. The texts of these resolutions and decisions appear in chapter II, sections A and B respectively.

19. Draft resolutions and decisions for action or consideration by the Commission on Human Rights are set out in chapter I, sections A and B respectively.

20. Information concerning the administrative and programme budget implications of the resolutions and decisions adopted by the Sub-Commission at its forty-seventh session is provided in annex III.

21. A list of the resolutions and decisions referring to matters drawn to the attention of the Commission on Human Rights is contained in annex IV.

22. A list of studies completed at the forty-seventh session and of ongoing studies, drawn up in accordance with Commission on Human Rights resolution 1982/23, appears in annex V.

23. A list of documents issued for the forty-seventh session of the Sub-Commission appears in annex VI.

G. Other matters

24. At the 1st meeting, on 31 July 1995, Ms. Warzazi proposed that the Sub-Commission observe a minute of silence in honour of the victims of the conflict in the former Yugoslavia. At the invitation of the Chairman, and pursuant to Sub-Commission decision 1994/103, the Commission observed a minute of silence in honour of the victims of all forms of violations of human rights in all regions of the world, including those in the former Yugoslavia.

25. At the 36th meeting, on 25 August 1995, the High Commissioner for Human Rights, Mr. José Ayala Lasso, made a closing statement.

IV. REVIEW OF THE WORK OF THE SUB-COMMISSION

26. The Sub-Commission considered agenda item 3 together with item 4 (see chap. V) at its 19th, 20th, 21st, 23rd and 35th meetings, on 14, 15, 17 and 24 August 1995.

27. At the 19th meeting, on 14 August 1995, the Secretary of the Sub-Commission read out a statement on behalf of the Chairman of the Commission on Human Rights at its fifty-first session, Mr. Musa bin Hitam.

28. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Ali Khan (20th), Mr. Boutkevitch (20th), Mr. Chernichenko (20th), Mr. Eide (20th), Mr. Fan Guoxiang (19th), Ms. Forero Ucros (20th), Mr. Hakim (20th), Mr. Hatano (20th), Mr. Joinet (20th), Mr. Khalifa (20th), Mr. Lindgren Alves (20th), Ms. Palley (20th, 23rd), Ms. Warzazi (20th).

29. At the 19th meeting, a statement was made by the observer for Ukraine.

30. Statements were made by the representatives of the following non-governmental organizations: American Association of Jurists (19th), International Institute for Non-Aligned Studies (21st).

Methods of work of the Sub-Commission

31. At the 35th meeting, on 24 August 1995, the Sub-Commission considered draft decision E/CN.4/Sub.2/1995/L.37, sponsored by Ms. Chavez, Mr. Lindgren Alves, Ms. Warzazi and Mr. Yimer.

32. The draft decision was adopted without a vote.

33. For the text as adopted see chapter II, section B, decision 1995/112.

Review of the work of the Sub-Commission

34. At the 35th meeting, on 24 August 1995, the Sub-Commission considered draft decision E/CN.4/Sub.2/1995/L.38, sponsored by Ms. Chavez, Mr. Lindgren Alves and Ms. Warzazi.

35. Statements relating to the draft decision were made by Mr. Alfonso Martínez, Mr. Bossuyt, Mr. Guissé, Mr. Joinet and Mr. Lindgren Alves.

36. The draft decision was adopted without a vote.

37. For the text as adopted see chapter II, section B, decision 1995/113.

Methods of work of the Sub-Commission

38. At the 35th meeting, on 24 August 1995, the Sub-Commission considered draft decision E/CN.4/Sub.2/1995/L.40, sponsored by Mr. Ali Khan, Mr. Bengoa,

Ms. Chavez, Mr. El-Hajjé, Mr. Fan Guoxiang, Mr. Guissé, Mr. Hatano, Mr. Khalifa, Mr. Lindgren Alves, Ms. Mbonu, Ms. Warzazi and Mr. Yimer.

39. Mr. Joinet orally amended the draft decision as follows:

(a) Replace the words "two closed meetings" with the words "one closed meeting";

(b) Insert after the words "forty-eighth session" the phrase "during which only the members of the Sub-Commission could take the floor".

40. Ms. Warzazi orally amended the draft decision by deleting at the end of the draft decision the words "in particular on ways and means to streamline the work and functioning of the Sub-Commission".

41. Statements relating to the draft resolution and the amendments were made by Mr. Alfonso Martínez and Mr. Yimer.

42. The draft decision, as amended, was adopted without a vote.

43. For the text as adopted see chapter II, section B, decision 1995/114.

Improvement in the method of consideration of item 6 of the agenda of the Sub-Commission concerning violation of human rights and fundamental freedoms

44. At the 35th meeting, on 24 August 1995, the Sub-Commission considered draft decision E/CN.4/Sub.2/1995/L.59, sponsored by Mr. Joinet.

45. Statements relating to the draft decision were made by Mr. Alfonso Martínez and Mr. Joinet.

46. The draft decision was adopted without a vote.

47. For the text as adopted see chapter II, section B, decision 1995/115.

V. REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN CONCERNED

48. The Sub-Commission considered item 4 together with item 3 (see chap. IV) at its 14th, 19th, 20th, 21st, 35th and 36th meetings, on 10, 14, 15, 24 and 25 August 1995.

49. The Sub-Commission had before it the following documents in connection with its consideration of the item:

- Note by the Secretary-General (E/CN.4/Sub.2/1995/3)

Memorandum submitted by the International Labour Office (E/CN.4/Sub.2/1995/4)

Report submitted by the United Nations Educational, Scientific and Cultural Organization (E/CN.4/Sub.2/1995/5)

Preliminary report of the Special Rapporteur on traditional practices affecting the health of women and children, Ms. Halima Embarek Warzazi (E/CN.4/Sub.2/1995/6)

Working paper on democracy and the establishment of a democratic society, submitted by Mr. Osman El-Hajjé (E/CN.4/Sub.2/1995/49);

Written statement submitted by the International Humanist and Ethical Union, a non-governmental organization on the Roster (E/CN.4/Sub.2/1995/NGO/5)

Written statement submitted by Sierra Club Legal Defense Fund, Inc., a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1995/NGO/25).

50. At the 19th meeting, on 14 August 1995, Ms. Warzazi introduced her preliminary report on traditional practices affecting the health of women and children (E/CN.4/Sub.2/1995/6).

51. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Ali Khan (20th), Mr. Boutkevitch (20th), Mr. Chernichenko (19th, 20th), Mr. Eide (20th), Mr. El-Hajjé (19th), Mr. Hakim (20th), Mr. Hatano (19th, 20th), Mr. Joinet (20th), Ms. Palley (20th).

52. At the 14th meeting, on 10 August 1995, a statement was made by the observer for Guatemala.

53. At the 19th meeting, on 14 August 1995, a statement was made by the observer for the United Nations Joint Programme on HIV/AIDS (UNAIDS/WHO).

54. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: International Committee for European Security and Cooperation (19th), International Council of AIDS

Service Organizations (19th), International Educational Development, Inc. (14th), International Federation of Human Rights (19th), International Humanist and Ethical Union (19th), International Institute for Non-Aligned Studies (21st), International League for the Rights and Liberation of Peoples (19th).

55. Statements equivalent to a right of reply were made by the observers for Cuba (21st), Guatemala (21st) and Kenya (21st).

Traditional practices affecting the health of women and children

56. At the 35th meeting, on 24 August 1995, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1995/L.21, sponsored by Mr. Alfonso Martínez, Mr. Ali Khan, Mr. Bengoa, Mr. Boutkevitch, Ms. Chavez, Mr. Chernichenko, Mr. Eide, Mr. El-Hajjé, Mr. Fan Guoxiang, Ms. Forero Ucros, Mr. Guissé, Ms. Gwanmesia, Mr. Hakim, Mr. Hatano, Mr. Joinet, Mr. Khalifa, Ms. Koufa, Mr. Lindgren Alves, Ms. Mbonu, Ms. Palley and Mr. Yimer. Mr. Bossuyt subsequently joined the sponsors.

57. Statements relating to the draft resolution were made by Mr. Joinet and Mr. Yimer.

58. The draft resolution was adopted without a vote.

59. For the text, as adopted, see chapter II, section A, resolution 1995/20.

Discrimination in the context of human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS)

60. At the 35th meeting, on 24 August 1995, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1995/L.30, sponsored by Mr. Eide, Mr. El-Hajjé, Ms. Gwanmesia and Ms. Warzazi. Mr. Guissé subsequently joined the sponsors.

61. Mr. Joinet proposed to amend the draft resolution by inserting, in the third preambular paragraph, after the words "drug users", the words "men who are homosexual".

62. Statements relating to the proposed amendment were made by Mr. El-Hajjé, Mr. Lindgren Alves and Ms. Palley.

63. At the request of Mr. Guissé, Mr. Joinet, Ms. Mbonu and Ms. Warzazi, a vote was taken on the proposed amendment.

64. The amendment was adopted by 10 votes to 5, with 6 abstentions.

65. Mr. Guissé, Ms. Gwanmesia and Ms. Warzazi withdrew as sponsors.

66. Mr. Joinet and Ms. Palley joined the sponsors.

67. Statements relating to the draft resolution, as amended, were made by Mr. Eide, Mr. Guissé, Mr. Lindgren Alves, Ms. Palley, Ms. Warzazi and Mr. Yimer.

68. The draft resolution, as amended, was adopted without a vote.

69. Ms. Mbonu made a statement in explanation of vote after the vote.

70. For the text, as adopted, see chapter II, section A, resolution 1995/21.

Recognition of gross and large-scale violations of human rights as an international crime

71. At the 35th meeting, on 24 August 1995, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1995/L.31, sponsored by Mr. Ali Khan, Mr. Boutkevitch, Ms. Chavez, Mr. Eide, Mr. El-Hajjé, Ms. Forero Ucros, Ms. Gwanmesia, Mr. Hakim, Mr. Hatano, Mr. Khalifa, Ms. Koufa, Ms. Mbonu, Ms. Warzazi and Mr. Yimer.

72. Statements relating to the draft resolution were made by Mr. Fan Guoxiang, Mr. Joinet and Ms. Palley.

73. The draft resolution was adopted without a vote.

74. For the text, as adopted, see chapter II, section A, resolution 1995/22.

Human rights and the environment

75. At the 35th meeting, on 24 August 1995, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1995/L.33, sponsored by Mr. Alfonso Martínez.

76. The draft resolution was adopted without a vote.

77. For the text, as adopted, see chapter II, section A, resolution 1995/23.

Injurious effects of anti-personnel land-mines

78. At the 35th meeting, on 24 August 1995, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1995/L.34, sponsored by Mr. Bengoa, Mr. Eide, Ms. Forero Ucros, Mr. Genot, Mr. Guissé, Mr. Joinet, Mr. Khalifa, Ms. Koufa, Ms. Palley and Ms. Warzazi. Mr. El-Hajjé and Ms. Gwanmesia subsequently joined the sponsors.

79. Statements relating to the draft resolution were made by Mr. Alfonso Martínez and Mr. Bengoa.

80. Ms. Chavez proposed to amend the draft resolution by deleting, in operative paragraph 7, the word "production".

81. Statements relating to the proposed amendment were made by Mr. El-Hajjé, Ms. Gwanmesia and Mr. Yimer.

82. The amendment was not accepted by the sponsors.

83. At the request of Mr. Alfonso Martínez, a vote was taken on the draft resolution.

84. The draft resolution was adopted by 16 votes to 2, with 2 abstentions.

85. For the text as adopted see chapter II, section A, resolution 1995/24.

Protection by competent authorities of everyone against threats, retaliation, pressure or any other arbitrary action as a consequence of legitimate, peaceful and non-violent exercise of the right to strive for the protection of human rights

86. At the 35th meeting, on 24 August 1995, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1995/L.35, sponsored by Mr. Eide, Mr. Guissé, Mr. Khalifa, Mr. Maxim, Ms. Palley, Ms. Warzazi and Mr. Yimer. Ms. Chavez subsequently joined the sponsors.

87. Mr. Alfonso Martínez proposed to amend the draft resolution by deleting the first and the last preambular paragraphs of the draft resolution.

88. Mr. Guissé did not accept the proposed amendments.

89. Ms. Warzazi revised the draft resolution by:

(i) Deleting the first preambular paragraph, which read as follows: "Bearing in mind the articles adopted at the first reading of the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms (E/CN.4/1995/93),"

(ii) Replacing, in the last preambular paragraph, the words "Recalling that article 3 (c) of chapter IV of the draft declaration, as approved at first reading, requires each State to" by the words "Convinced that each State should".

90. The draft resolution, as revised, was adopted without a vote.

91. For the text as adopted see chapter II, section A, resolution 1995/25.

Democratic society

92. At the 35th meeting, on 24 August 1995, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1995/L.36, sponsored by Mr. Ali Khan, Mr. Bengoa, Mr. Boutkevitch, Ms. Chavez, Mr. Chernichenko, Mr. Eide, Ms. Forero Ucros, Ms. Gwanmesia, Mr. Hatano and Ms. Koufa, which read as follows:

"Democratic society

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Bearing in mind the fulfilment of its mandate as defined in various resolutions of the Economic and Social Council and of the Commission on Human Rights,

Pursuing the objectives set forth in the Charter of the United Nations, namely to establish conditions under which justice and equal rights for men and women can be maintained, and to promote social progress and better standards of life in larger freedom,

Bearing in mind the indissoluble links between the principles enunciated in the Universal Declaration of Human Rights and the foundations of any democratic society,

Aware that implementation of the principles of the Universal Declaration of Human Rights, such as the principles of human dignity, freedom of opinion, freedom of association and freedom of expression and the right of participation, takes place through the establishment of a democratic society,

Bearing in mind that the Vienna Declaration and Programme of Action (A/CONF.157/23), adopted on 25 June 1993 by the World Conference on Human Rights, state in part I, paragraph 8, that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing,

Taking account of the World Plan of Action on Education for Human Rights and Democracy, adopted by the International Congress on Education for Human Rights and Democracy held at Montreal from 8 to 11 March 1993,

Taking account also of General Assembly resolution 49/30 of 7 December 1994 entitled "Support by the United Nations system for the efforts of Governments to approach and consolidate new or restored democracies" and recognizing the importance of the Managua Declaration and Plan of Action adopted by the Second International Conference of New or Restored Democracies held in Managua from 4 to 6 July 1994,

Considering that democracy best serves to facilitate individual and collective expression of freedom of opinion,

Reaffirming that in a democracy the widest participation in the democratic dialogue by all sectors and actors of society must be promoted in order to come to agreements on appropriate solutions to the social, economic and cultural problems of society,

Taking account of the fact that freedom of opinion and expression is reflected in a democratic society through an electoral system which allows all tendencies, interests and feelings to obtain representatior at the level of the executive and legislative power and, therefore, at all levels of power,

Fully aware that the creation of conditions for a democratic society is essential for the prevention of discrimination and the protection of minorities,

Taking account of Commission on Human Rights resolution 1995/60 of 7 March 1995, in which the Commission recommended that the Sub-Commission should discuss at its next session ways and means of overcoming obstacles to the consolidation of democratic societies, taking into account the relation between democracy, development and human rights,

Having considered the subject of democratic society at its forty-seventh session,

Having taken into consideration the oral statement on this matter by Mr. Osman El-Hajjé, which was circulated as a working paper (E/CN.4/Sub.2/1995/49),

Recommends that the Commission on Human Rights should appoint Mr. Osman El-Hajjé as Special Rapporteur of the Sub-Commission to identify and list obstacles to democracy, classify them by category of rights and propose solutions for their elimination, and that he should submit a preliminary report on the subject to the Sub-Commission at its forty-eighth session in 1996;

Recommends that the Commission on Human Rights should adopt the following draft resolution:

> 'The Commission on Human Rights, taking into consideration resolution 1995/... of ... August 1995 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, approves the recommendation that it should appoint Mr. Osman El-Hajjé as Special Rapporteur to identify and list obstacles to democracy, classify them by category of rights and propose solutions for their elimination, and that he should submit a preliminary report on the subject to the Sub-Commission at its forty-eighth session in 1996, and requests the Secretary-General to provide the Special Rapporteur with the assistance he needs to perform his task'."

93. Statements relating to the draft resolution were made by Mr. Alfonso Martínez, Mr. Bengoa, Ms. Chavez, Mr. El-Hajjé, Mr. Fan Guoxiang, Mr. Guissé, Mr. Joinet, Ms. Palley and Ms. Warzazi.

94. On the proposal of Mr. Guissé and Mr. Joinet, the Sub-Commission decided to replace the draft resolution with a draft decision.

95. The draft decision was adopted without a vote.

96. For the text as adopted, see chapter II, section B, decision 1995/116.

International terrorism

97. At the 35th meeting, on 24 August 1995, Mr. Lindgren Alves orally proposed a text to be approved as a declaration of the Sub-Commission which read as follows:

> "The Sub-Commission, horrified by the recent bombings in Paris and Jerusalem, condemns unconditionally international terrorism in all its forms. As was already pointed out in the declaration by the Chairman on hostage-taking and murder of hostages, 'the use of such contemptible and barbaric methods for political gains can only serve to discredit whatever cause the perpetrators claim to be pursuing'. We call on States, groups and individuals to cease these international crimes."

98. Ms. Gwanmesia proposed to amend the draft text by inserting, after the word "cease", the words "perpetrating or committing".

99. Ms. Chavez proposed to amend the draft text as follows:

(i) Delete the words "Horrified by the recent bombings in Paris and Jerusalem";

(ii) Insert, after the words "all its forms", the words "including recent bombings in Paris and Jerusalem".

100. Mr. Chernichenko proposed to replace the words "these international crimes" with the words "these crimes under international law" or "these crimes against international law".

101. Statements relating to the text were made by Mr. Alfonso Martínez, Mr. Guissé, Mr. Joinet and Ms. Warzazi.

102. At the proposal of Mr. Chernichenko, the Sub-Commission decided to postpone consideration of the draft declaration.

103. At its 36th meeting, on 25 August 1995, Mr. Lindgren Alves orally proposed a revised draft declaration, which read as follows:

> "The Sub-Commission on Prevention of Discrimination and Protection of Minorities, horrified by all manifestations of terrorism, among which are the recent bombings that took place in Paris, Jerusalem and Algiers with indiscriminate injuries and deaths of innocent civilians, reiterates its condemnation of terrorism in all its forms and decides to remain seized of the matter under item 4 of its agenda. As already pointed out in the statement made by the Chairman on 18 August 1995 about hostage-taking and the murder of hostages, 'the use of such contemptible and barbaric methods for political gains can only serve to discredit whatever causes the perpetrators claim to be pursuing'. The Sub-Commission therefore calls on States, groups and individuals to cease unconditionally the practice of such acts, which violate all kinds of human rights and constitute a crime under international law."

104. Mr. Maxim proposed to replace the words "cease unconditionally the practice of" with the words "put an end to".

105. Mr. Yimer proposed to amend the text as follows:

(i) Replace the word "manifestations" with the word "acts";

(ii) Add after the words "in all its forms" the words "and manifestations";

(iii) Delete the word "States";

(iv) Delete the words "the practice of"; and

(v) Delete the words "kinds of".

106. Mr. Khalil proposed to replace the phrase "calls on States, groups and individuals to cease unconditionally" with the phrase "calls for the immediate and unconditional cessation of".

107. Mr. Bossuyt proposed to amend the last sentence of the draft declaration to read as follows: "The Sub-Commission therefore calls for an immediate and unconditional end to such acts, which violate all human rights and constitute a crime under international law."

108. Statements in connection with the draft declaration and the proposed amendments were made by Mr. Alfonso Martínez, Ms. Chavez, Mr. Chernichenko, Mr. Eide, Mr. El-Hajjé, Mr. Lindgren Alves, Ms. Mbonu, Ms. Palley and Ms. Warzazi.

109. In accordance with article 65.2 of the Rules of Procedure of the Functional Commissions of the Economic and Social Council, Ms. Chavez made a formal proposal that no action should be taken on the draft declaration. The proposal was accepted by the members of the Sub-Commission.

VI. ELIMINATION OF RACIAL DISCRIMINATION

(a) Measures to combat racism and racial discrimination and the role of the Sub-Commission

110. The Sub-Commission considered sub-item (a) of agenda item 5 at its 8th, 9th, 10th, 12th and 27th meetings on 4, 7, 8 and 18 August 1995.

111. The Sub-Commission had before it the following documents in connection with its consideration of the sub-item:

Note by the Secretary-General (E/CN.4/Sub.2/1995/7);

Report by Mr. Maurice Glèlè-Ahanhanzo, Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, submitted pursuant to Commission on Human Rights resolution 1994/64 (E/CN.4/1995/78 and Add.1);

Written statements submitted by the International Human Rights Association of American Minorities, a non-governmental organization on the Roster (E/CN.4/Sub.2/1995/NGO/6 and E/CN.4/Sub.2/1995/NGO/15).

112. In the general debate on the sub-item, statements 1/ were made by the following members of the Sub-Commission: Ms. Chavez (9th), Ms. Ferriol Echevarría (10th), Mr. Eide (9th), Mr. Guissé (9th), Ms. Gwanmesia (8th), Mr. Joinet (9th), Mr. Lindgren Alves (9th), Ms. Warzazi (9th).

113. A statement was made by the observer for Turkey (9th).

114. Statements were made by representatives of the following non-governmental organizations: Centre Europe-Tiers Monde (9th), Human Rights Advocates, Inc, (9th), International Association Against Torture (9th), International Committee for European Security and Co-operation (8th), International Council of Jewish Women (9th), International Federation of Free Journalists (8th), International Federation of University Women (9th), Liberation (8th), Minority Rights Group (8th), Movement against Racism and for Friendship among Peoples (8th), Society for Threatened Peoples (9th).

(b) Monitoring the transition to democracy in South Africa

115. The Sub-Commission considered sub-item (b) of agenda item 5 at its 8th meeting, on 4 August 1995.

116. The Sub-Commission had before it the following documents in connection with its consideration of the sub-item:

Note by the Secretary-General (E/CN.4/Sub.2/1995/37);

Note by the Secretary-General (A/49/677);

Report on the mission to South Africa by the Special Rapporteur, Ms. Judith Sefi Attah, from 7 to 18 November 1994 (E/CN.4/1995/24).

117. At the 8th meeting, on 4 August 1995, the Special Rapporteur, Ms. Judith Sefi Attah, introduced her report.

118. At the same meeting, statements 1/ were made by the following members of the Sub-Commission: Mr. Hatano, Ms. Palley, Ms. Warzazi, Mr. Yimer.

119. A statement was also made by the observer for the Republic of South Africa.

120. At the same meeting, the Sub-Commission decided to take note of the report of the Special Rapporteur and not to hold a general debate on item 5 (b).

121. For the text of the decision, see chapter II, section B, decision 1995/105.

122. At the 9th meeting, on 7 August 1995, Mr. Khalifa made a statement relating to agenda item 5 (b).

Joint meeting with the Committee on the Elimination of Racial Discrimination

123. At its 12th meeting, on 8 August 1995, the Sub-Commission held a joint meeting with the Committee on the Elimination of Racial Discrimination. The Assistant Secretary-General for Human Rights made an opening statement.

124. The Sub-Commission and Committee on the Elimination of Racial Discrimination had before them the following documents:

The Committee on the Elimination of Racial Discrimination (Fact Sheet No. 12);

Report of the Committee on the Elimination of Racial Discrimination (A/49/18);

Vienna Declaration and Programme of Action (A/CONF.157/23);

General Assembly resolution 49/146, entitled "Third Decade to Combat Racism and Racial Discrimination";

Report of the Secretary-General: social, humanitarian and human rights questions: reports of subsidiary bodies, conferences and related questions: implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination (E/1995/111 and Add.1);

Study on the achievements made and obstacles encountered during the Decades to Combat Racism and Racial Discrimination. Report submitted by Mr. A. Eide, Special Rapporteur (E/CN.4/Sub.2/1989/8);

Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities. Report submitted by Mr. A. Eide (E/CN.4/Sub.2/1993/34 and Add.1-4).

125. Mr. I. Garvalov, Chairman of the Committee on the Elimination of Racial Discrimination, and Mr. I. Maxim, Chairman of the Sub-Commission, made statements.

126. The Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mr. Glèlè Ahanhanzo, also made a statement.

127. Statements were made by the following members of the Sub-Commission and the Committee: Mr. Bengoa, Mr. van Boven, Mr. Diaconu, Mr. Eide, Mr. El-Hajjé, Mr. Ferrero Costa, Mr. de Gouttes, Mr. Guissé, Ms. Gwanmesia, Mr. Joinet, Ms. Palley, Mr. Rechetov, Mr. Shahi, Mr. Sherifis, Mr. Valencia Rodriguez, Ms. Warzazi, Mr. Wolfrum, Mr. Yutzis.

128. Mr. Garvalov, the Chairman of the Committee on the Elimination of Racial Discrimination, made concluding remarks.

129. At the 27th meeting, on 18 August 1995, the members of the Sub-Commission approved a statement of the joint meeting of the Committee on the Elimination of Racial Discrimination and the Sub-Commission, which read as follows:

> "The Committee on the Elimination of Racial Discrimination and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, meeting jointly to assess the possibilities of closer cooperation in the struggle against racism, racial discrimination, xenophobia and other contemporary forms of related intolerance,
>
> Aware of the roles of the two bodies in the field of prevention, early warning and urgent procedures in situations involving massive violations of human rights,
>
> Appalled by continuing reports of massive and gross violations of human rights in various regions of the world, including genocide and 'ethnic cleansing', which are fuelled by policies of racial or ethnic discrimination and antagonism, particularly in Bosnia and Herzegovina and Rwanda,
>
> Welcoming the establishment of two ad hoc international criminal tribunals,
>
> 1. Declare their strong determination to mobilize their efforts to eliminate, wherever they exist, all forms of racism, racial discrimination, xenophobia and related intolerance.
>
> 2. Reiterate their absolute condemnation of the massive violations of human rights, in particular genocide and the spreading practice of 'ethnic cleansing', occurring in certain regions of the world, mainly in Bosnia and Herzegovina and Rwanda, and draw attention to

the consequences for human rights and for the fate of large populations of the central role played in this regard by policies and practices of racial, xenophobic, ethnic and other related forms of discrimination.

3. Continue to call for firm and urgent measures by the United Nations and the international community to put an end to these violations, to continue to fight policies and practices of racial discrimination, to help save human lives, to stop 'ethnic cleansing', to help refugees to return voluntarily and safely to their homes and to find just political solutions to existing racial, ethnic and related conflicts.

4. Remain convinced that all perpetrators of massive violations of human rights must be brought to justice. Accordingly, the two bodies welcome the establishment of the two current ad hoc international criminal tribunals and call on the international community to give the tribunals all possible support, including making necessary changes to national laws. They call for the speedy establishment of a permanent international criminal court which will prosecute perpetrators of massive violations of human rights, including perpetrators of egregious acts of racial discrimination.

5. Remind all Governments of their obligation to ensure to all those under their jurisdiction, without any discrimination, security and peaceful coexistence between the different communities.

6. Call on the international community to respond compassionately and speedily to the need of people displaced as a result of policies of racial and ethnic discrimination and to encourage States generously to receive as many of these displaced people as possible."

Monitoring and assisting the transition to democracy in South Africa

130. At the 27th meeting on 18 August 1995, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1995/L.3 sponsored by Mr. Bengoa, Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Mr. Chernichenko, Mr. Eide, Ms. Ferriol Echevarría, Ms. Gwanmesia, Mr. Hatano, Ms. Koufa, Mr. Yimer and Mr. Zhong Shukong. Mr. Joinet subsequently joined the sponsors.

131. The draft resolution was adopted without a vote.

132. For the text as adopted, see chapter II, section A, resolution 1995/12.

VII. QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

133. The Sub-Commission considered item 6 at its 2nd to 7th, 10th, 11th, 26th, 27th, 29th and 34th meetings, on 1, 2, 3, 4, 7, 8, 18, 21 and 24 August 1995.

134. The Sub-Commission had before it the following documents in connection with its consideration of item 6:

Note by the Secretary-General (E/CN.4/Sub.2/1995/8);

Letter dated 15 June 1995 from the Ambassador, Chargé d'affaires a.i., of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1995/41);

Letter dated 8 August 1995 from the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1995/43);

Letter dated 10 August 1995 from the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1995/45);

Letter dated 14 August 1995 from the Chargé d'affaires a.i. of the Permanent Mission of the Republic of Croatia to the United Nations Office at Geneva addressed to the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1995/48);

Letter dated 16 August 1995 from the Ambassador of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1995/50);

Written statement submitted by International Federation Terre des Hommes, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1995/NGO/3);

Written statement submitted by Human Rights Watch, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1995/NGO/11);

Written statement submitted by International Educational, Development, Inc., a non-governmental organization on the Roster (E/CN.4/Sub.2/1995/NGO/17);

Written statement submitted by Transnational Radical Party, a non-governmental organization in consultative status (category I) (E/CN.4/Sub.2/1995/NGO/18);

Written statement submitted by Pax Romana, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1995/NGO/20);

Written statement submitted by the World Federation of Democratic Youths, a non-governmental organization in consultative status (category I) (E/CN.4/Sub.2/1995/NGO/21);

Written statement submitted by International Association of Educators for World Peace, a non-governmental organization on the Roster (E/CN.4/Sub.2/1995/NGO/22);

Written statement submitted by the International Committee for European Security and Co-operation, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1995/NGO/27);

Joint written statement submitted by International Youth and Student Movement for the United Nations and World Federation of Democratic Youth, non-governmental organizations in consultative status (category I); African Association of Education for Development, American Association of Jurists, Indigenous World Association, International Association Against Torture, International Association of Democratic Lawyers, International Federation of Human Rights, International Indian Treaty Council, International Islamic Federation of Student Organizations, International League for Human Rights, Pax Romana and World Society of Victimology, non-governmental organizations in consultative status (category II); and Centre Europe-Tiers Monde, International Association of Educators for World Peace, International Educational Development Inc., International Federation of Free Journalists, International Movement against All Forms of Discrimination and Racism, Liberation, Movement against Racism and for Friendship among Peoples, Regional Council on Human Rights in Asia, non-governmental organizations on the Roster (E/CN.4/Sub.2/NGO/1995/32);

Written statement submitted by the Society for Threatened Peoples, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1995/NGO/35);

Joint written statement submitted by the International Alliance of Women and the World Confederation of Labour, non-governmental organizations in consultative status (category I); the American Association of Jurists, the International Association of Democratic Lawyers, the International Association for the Defence of Religious Liberty, the International Indian Treaty Council and the International League for the Rights and Liberation of Peoples, non-governmental organizations in consultative status (category II); Centre Europe-Tiers Monde, International Educational Development, Inc., the International Falcon Movement, the

International Movement against All Forms of Discrimination and Racism, the Movement against Racism and for Friendship among Peoples, non-governmental organizations on the Roster (E/CN.4/Sub.2/1995/NGO/39).

Written statements submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1995/NGO/48, 49, 50, 51, 52 and 53).

135. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Ali Khan (5th, 6th and 7th), Ms. Attah (3rd, 6th and 7th), Mr. Bengoa (3rd and 4th), Mr. Bossuyt (3rd and 4th), Mr. Boutkevitch (5th), Mr. Chernichenko (5th and 7th), Ms. Daes (7th), Mr. Eide (3rd, 4th, 5th, 6th and 7th), Mr. El-Hajjé (6th), Mr. Fan Guoxiang (5th and 6th), Ms. Forero Ucros (5th), Mr. Guissé (4th), Mr. Hakim (5th), Mr. Hatano (6th), Mr. Joinet (2nd, 3rd, 4th and 7th), Mr. Khalifa (4th and 7th), Mr. Lindgren Alves (4th), Ms. Palley (6th and 7th), Mr. Ramadhane (6th), Ms. Warzazi (2nd, 3rd, 4th, 5th and 7th), Mr. Yimer (7th).

136. In connection with item 6, the Sub-Commission heard statements by representatives of the following non-governmental organizations: African Association of Education for Development (3rd), American Association of Jurists (2nd), Andean Commission of Jurists (4th), Arab Organization for Human Rights (3rd), Baha'i International Community (3rd), Centre Europe-Tiers Monde (4th), France-Libertés: Fondation Danielle Mitterrand (4th), Human Rights Watch (2nd), International Association for the Defence of Religious Liberty (3rd), International Association of Democratic Lawyers (3rd, 5th), International Association of Educators for World Peace (4th), International Educational Development, Inc. (4th), International Commission of Jurists (2nd), International Committee for European Security and Co-operation (2nd), International Federation of Human Rights (4th), International Institute for Non-Aligned Studies (2nd), International Islamic Federation of Student Organizations (3rd), International League for Human Rights (5th), International League for the Rights and Liberation of Peoples (4th), International Service for Human Rights (4th), Latin American Federation of Associations of Relatives of Disappeared Detainees (4th), Minority Rights Group (2nd), Movement against Racism and for Friendship among Peoples (4th), Pax Christi International (3rd), Pax Romana (2nd), Regional Council on Human Rights in Asia (4th), Society for Threatened Peoples (2nd), Survival International Limited (5th), World Federation of Democratic Youth (4th), World Muslim Congress (6th), World Organization against Torture (4th), World Society of Victimology (6th).

137. Joint statements were made by the representatives of the following non-governmental organizations: Co-ordinating Board of Jewish Organizations, World Union for Progressive Judaism (3rd).

138. The Sub-Commission heard statements by the observers for Azerbaijan (7th), Colombia (3rd), Cyprus (7th), Egypt (6th), Ethiopia (3rd), Indonesia (7th), Iraq (7th), Israel (8th), Pakistan (7th), Peru (6th), Portugal (6th), Sri Lanka (6th), Syrian Arab Republic (7th) and Turkey (7th).

139. A statement was also made by the observer for Palestine (6th).

140. Statements equivalent to a right of reply were made by the observers for: Algeria (7th), Armenia (7th and 8th), Azerbaijan (8th), Bahrain (7th), China (6th and 7th), Colombia (2nd and 7th), Cuba (7th), Cyprus (8th), Ethiopia (4th), Guatemala (7th), India (3rd, 7th, 8th), Indonesia (7th, 8th), Iran (Islamic Republic of) (7th), Iraq (2nd, 4th and 7th), Japan (6th), Morocco (7th), Nigeria (7th and 8th), Pakistan (3rd and 8th), Portugal (8th), Sudan (2nd and 7th), Turkey (7th), Syrian Arab Republic (29th) and Viet Nam (4th).

141. At the 10th meeting, on 7 August 1995, Mr. Khalifa proposed that the general debate on item 6 should be reopened in order to consider, exclusively, the issue of human rights and terrorism. That proposal was accepted by the members of the Sub-Commission.

142. At the 11th meeting on 8 August 1995, statements were made on the issue of human rights and terrorism by the following members of the Sub-Commission: Mr. Ali Khan, Mr. Eide, Ms. Ferero Ucros, Mr. El-Hajjé, Mr. Joinet, Mr. Khalifa, Ms. Palley and Ms. Warzazi.

143. At the 29th meeting on 21 August 1995, statements were made by Ms. Chavez and Ms. Palley.

Expression of solidarity with the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia, Mr. Tadeusz Mazowiecki

144. At its 3rd and 6th meetings, on 2 and 3 August 1995, the Sub-Commission considered a draft resolution, proposed orally by Mr. Bengoa at the 3rd meeting, which read as follows:

> "The Sub-Commission on Prevention of Discrimination and Protection of Minorities,
>
> Bearing in mind the letter addressed by Mr. Tadeusz Mazowiecki, Special Rapporteur for the former Yugoslavia, to the Secretary-General of the United Nations on 27 July 1995,
>
> Deeply shocked by the events occurring daily in Bosnia and Herzegovina, where, as the letter indicates, 'Human rights violations continue blatantly', 'There are constant blockades of the delivery of humanitarian aid', 'Crimes have been committed with swiftness and brutality' and 'The civilian population is shelled remorselessly',
>
> Agreeing with the Special Rapporteur for the former Yugoslavia that 'the response of the international community has been slow and ineffectual', with the result that the declarations and decisions of the system for the protection of human rights lose credibility and have been seriously challenged by the events occurring in Bosnia and Herzegovina,

Supporting the Special Rapporteur for the former Yugoslavia when he states that 'The character of my mandate only allows me to further describe crimes and violations of human rights, but noting that this is not sufficient at the present time,

Respecting and commending the decision of the Special Rapporteur for the former Yugoslavia that he does not 'see any possibility of continuing' his mandate,

Considering that the gesture of the Special Rapporteur for the former Yugoslavia has shaken and moved us by its great dignity and endowed the function entrusted by the United Nations and the struggle for human rights in general with high moral character,

Recognizing the dedication shown by the Special Rapporteur in his work in Bosnia and Herzegovina, which is reflected in the gesture he has made,

Noting that a veritable genocide is being committed against the civilian population, often in the presence of United Nations forces,

Sharing the moral indignation reflected in the letter of the Special Rapporteur for the former Yugoslavia addressed to the Secretary-General,

Decides to:

Convey its solidarity and support to Special Rapporteur Mazowiecki for the gesture he has made by tendering his resignation in response to what is occurring in Bosnia and Herzegovina,

Convey to the Secretary-General of the United Nations its enormous concern over the veritable genocide and massive violations of human rights to which the civilian population in Bosnia and Herzegovina is being subjected and to express its impotence in face of the rapes of women, violent deaths of children and mass movements of refugees, who can daily be seen in the most abject despair, while we can only raise our voice in indignation and express solidarity with the victims,

Request the Secretary-General to make a new and extremely urgent appeal to countries to take the necessary decisions to end these atrocities once and for all, since the world cannot be an indifferent spectator of what is happening in Bosnia and Herzegovina."

145. Mr. Khalifa proposed to insert a new last preambular paragraph reading as follows:

"Alarmed at the acts of ethnic cleansing and humiliation and the perpetration of atrocities such as summary executions of innocent civilians, mass rape, destruction and looting of property and terrorizing of the population, which have resulted in huge movements of displaced persons and refugees, thus causing pain, homelessness and famine."

146. In connection with the proposed new preambular paragraph, Ms. Warzazi proposed to delete the word "ethnic" before the word "cleansing". That proposal was not accepted by members of the Sub-Commission. Ms. Palley suggested that the words "so-called" should be inserted before the phrase "ethnic cleansing". Mr. Yokota suggested that the phrase "ethnic cleansing" should be put in quotation marks.

147. Mr. Khalifa's proposal, as amended by Ms. Palley and Mr. Yokota, was accepted by the members of the Sub-Commission.

148. Mr. Khalifa also proposed to replace the operative paragraphs of the draft resolution with three new operative paragraphs:

149. The members of the Sub-Commission agreed with that proposal.

150. Mr. Hatano proposed to insert, in the eighth preambular paragraph, after the word "committed" the words "massively and in a systematic manner". The amendment was accepted by the members of the Sub-Commission.

151. Mr. Yimer then orally proposed the following amendments:

(i) To replace, in the sixth preambular paragraph, the word "gesture" with the word "decision";

(ii) To insert, in the same preambular paragraph, after the word "entrusted" the words "to him"; and

(iii) To insert, in the eighth preambular paragraph, the words "in Bosnia and Herzegovina" after the word "population".

152. Those amendments were accepted by the members of the Sub-Commission.

153. Mr. Bengoa and Mr. Bossuyt proposed that the title of the draft resolution should be "Expression of solidarity with the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia, Mr. Tadeusz Mazowiecki". The members of the Sub-Commission agreed with that proposal.

154. Mr. Lindgren Alves proposed to replace at the beginning of new operative paragraph 3 of the draft resolution the word "Requests" with the words "Decides to convey the present resolution immediately to the Secretary-General of the United Nations and to request". That amendment was accepted by the members of the Sub-Commission.

155. Statements relating to the draft resolution and the amendments were made by the following members of the Sub-Commission: Ms. Attah (3rd and 4th), Mr. Bengoa (3rd and 6th), Mr. Bossuyt (3rd and 6th), Mr. Chernichenko (4th and 6th), Mr. Eide (3rd and 6th), Mr. Fan Guoxiang (4th), Mr. Guissé (4th and 6th), Mr. Hatano (6th), Mr. Joinet (3rd and 6th), Mr. Khalifa (5th), Mr. Lindgren Alves (6th), Ms. Palley (6th), Ms. Warzazi (3rd and 6th), Mr. Yimer (6th), Mr. Yokota (6th).

156. At the 6th meeting, on 3 August 1995, the draft resolution, as amended, was adopted without a vote.

157. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/1.

Hostage-taking and murder of hostages

158. At its 26th meeting, on 18 August 1995, Mr. Eide orally introduced the following draft decision:

> "The Sub-Commission is horrified by the murder of hostages by violent terrorist or guerrilla groups, including most recently the brutal murder by the Al Faran group in Jammu and Kashmir of the Norwegian, Mr. Hans Christian Ostro, and expresses its condolences to the bereaved families of Mr. Ostro and other victims of such violations.
>
> The Sub-Commission points out that the taking of hostages constitutes a blatant violation of minimum humanitarian standards applicable to all parties and in all situations and that the use of such contemptible and barbaric methods for political gains can only serve to discredit whatever cause the perpetrators claim to be pursuing.
>
> Alarmed by the threat to kill four other hostages - one American, one German and two Britons - held by the Al Faran group, and the threat to kill two Italians in the hands of armed guerrilla groups in Colombia, the Sub-Commission demands that persons still held hostage are immediately and unconditionally set free by their captors, and that every relevant authority does everything in their power to apprehend and prosecute persons responsible for such inhuman acts."

159. In connection with Mr. Eide's proposal, Mr. Guissé proposed to delete all mention of individual names in the draft decision.

160. The Chairman then proposed that the Sub-Commission consider the text as a statement by the Chairman. The proposal was accepted by the members of the Sub-Commission.

161. Mr. Lindgren proposed to add, in the last paragraph, after the words "the Sub-Commission" the phrase "condemns any kind of hostage-taking and". That amendment was accepted by the members of the Sub-Commission.

162. Statements relating to the draft declaration and the amendment were made by Mr. Alfonso Martínez, Mr. Eide, Mr. Guissé, Mr. Joinet, Mr. Lindgren Alves, Ms. Mbonu, Ms. Warzazi and Mr. Yimer.

163. At the same meeting, the Sub-Commission members approved the following text as a statement by the Chairman on behalf of the Sub-Commission:

> "The Sub-Commission is horrified by the murder of hostages by violent terrorist or guerrilla groups, including most recently the brutal murder by the Al Faran group in Jammu and Kashmir of the Norwegian, Mr. Hans Christian Ostro, and expresses its condolences to the bereaved families of Mr. Ostro and other victims of such violations.

The Sub-Commission points out that the taking of hostages constitutes a blatant violation of minimum humanitarian standards applicable to all parties and in all situations and that the use of such contemptible and barbaric methods for political gains can only serve to discredit whatever cause the perpetrators claim to be pursuing.

Alarmed by the threat to kill four other hostages - one American one German and two Britons - held by the Al Faran group, and the threat to kill two Italians in the hands of armed guerrilla groups in Colombia, the Sub-Commission condemns any kind of hostage-taking and demands that persons still held hostage be immediately and unconditionally set free by their captors, and that every relevant authority do everything in its power to apprehend and prosecute persons responsible for such inhuman acts."

Voting by secret ballot on proposals under agenda item 6

164. At the 26th meeting, on 18 August 1995, Ms. Palley proposed that a decision be taken by the Sub-Commission concerning voting by secret ballot on proposals pertaining to allegations of violations of human rights in countries.

165. Mr. Alfonso Martínez and Mr. Chernichenko made statements relating to the proposal.

166. The decision, as orally proposed by Ms. Palley, was adopted without a vote.

167. For the text of the decision, see chapter II, section B, decision 1995/106.

Situation in the Middle East

168. At the 26th meeting, on 18 August 1995, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1995/L.2, sponsored by Mr. Bossuyt, Ms. Chavez, Ms. Koufa, Mr. Eide and Mr. Joinet. Mr. El-Hajjé subsequently joined the sponsors.

169. Ms. Chavez orally revised the draft resolution by deleting, in operative paragraph 6, after the words "Palestine Liberation Organization", the phrase "which constitutes a positive contribution to the protection of human rights in the Middle East".

170. The draft resolution, as revised, was adopted without a vote.

171. For the text as adopted, see chapter II, section A, resolution 1995/2.

Situation of human rights in Iraq

172. At the 26th meeting, on 18 August 1995, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1995/L.4, sponsored by Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Mr. Chernichenko, Mr. Eide and Ms. Gwanmesia. Mr. Joinet subsequently joined the sponsors.

173. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Mr. Bossuyt, Mr. Chernichenko, Mr. Joinet and Ms. Palley.

174. The observer for Iraq made a statement.

175. At the request of Mr. Alfonso Martínez and Mr. Ramadhane, a vote was taken by secret ballot.

176. The resolution was adopted by secret ballot by 15 votes to 5, with 4 abstentions.

177. For the text as adopted, see chapter II, section A, resolution 1995/3.

Humanitarian situation in Iraq

178. At the same meeting, Ms. Warzazi orally presented a draft decision on the humanitarian situation in Iraq.

179. The decision was adopted without a vote.

180. For the text of the decision, see chapter II, section B, decision 1995/107.

Situation of human rights in the Islamic Republic of Iran

181. At its 26th meeting, on 18 August 1995, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1995/L.5, sponsored by Mr. Bengoa, Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Mr. Chernichenko, Mr. Eide, Ms. Gwanmesia and Mr. Joinet, which read as follows:

> "Situation of human rights in the Islamic Republic of Iran
>
> The Sub-Commission on Prevention of Discrimination and Protection of Minorities,
>
> Recalling its relevant resolutions, including the most recent, resolution 1994/16 of 25 August 1994, calling for an end to the violations of human rights by the Islamic Republic of Iran,
>
> Recalling also relevant resolutions of the Commission on Human Rights, including the most recent, resolution 1995/68 of 8 March 1995, as well as those of the General Assembly, including the most recent, resolution 49/202 of 23 December 1994,

Gravely concerned at the increase in public hangings and stoning to death as reported by the Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran in his report to the Commission at its fifty-first session (E/CN.4/1995/55),

Deeply concerned at extensive and continuing human rights violations by the Government of the Islamic Republic of Iran, including arbitrary and summary executions, torture and inhuman or degrading treatment and punishment, arbitrary arrests and imprisonment, unexplained disappearances, the absence of guarantees essential for the protection of the right to a fair trial and disregard for freedom of expression and freedom of religion,

Concerned by the passage of a law allowing the security forces to open fire at will on protest demonstrations, as many protesters have been fired upon, even by helicopter gunships, resulting in the killing or wounding of many civilians,

Concerned particularly over the fate of hundreds of people arrested during the demonstrations of 4 April 1995 in south Teheran and during other protest acts who are in danger of being executed,

Appalled at the continued repression of women in the Islamic Republic of Iran, including the practice of gender-based discrimination and the use of unacceptable and unjustifiable means of punishment,

Aware of the mounting concern expressed by the authorities of a number of States at the involvement in, and support for, international terrorism by the Islamic Republic of Iran, causing the loss of many lives, and the call by those authorities for action against the Islamic Republic,

Taking note of an official report that the Iranian embassy in Germany is actively spying on Iranian refugees in that country and that the embassy in question plotted to assassinate the leading Iranian opposition leader in Dortmund,

Expressing regret at the assassination abroad of five members of the Iranian resistance movement, reportedly by agents of the Government of the Islamic Republic of Iran, on 10 July and 17 May 1995, and reaffirming that Governments are accountable for attacks by their agents against persons on the territory of another State, and also for inciting, approving or condoning such acts,

Welcoming the recommendations contained in the report of the Special Representative and the decision of the Commission to continue the mandate of the Special Representative,

Expressing its profound regret that the Government of the Islamic Republic of Iran has refused to allow the Special Representative of the Commission to make further visits to the country, _Noting_ that relevant international organizations and bodies emphasize the role of the Islamic Republic of Iran in intimidating and harassing the religious minorities in the Islamic Republic of Iran during the past year, in particular in the assassination of three Christian leaders,

Affirming that human rights are universal and indivisible and that the violation of internationally recognized human rights standards cannot be justified by cultural or religious considerations,

1. _Condemns_ the flagrant violations of human rights in the Islamic Republic of Iran which, as noted by the Special Representative of the Commission, include:

(a) Excessive use of the death penalty;

(b) Numerous cases of torture and cruel, inhuman or degrading treatment and punishment;

(c) The use of excessive force and guns in suppressing public demonstrations, as well as the organization of secret patrols;

(d) Harassment and intimidation of people by street patrols which, according to official statements, amounted to 1,300,000 cases during the past year;

(e) A failure to meet international standards with regard to due process and the administration of justice;

(f) Religious discrimination, notably against Baha'i and Christian individuals and groups;

(g) Discrimination against women;

(h) Restrictions on freedom of expression and freedom of opinion and undue limitation of freedom of the press;

2. _Demands_ that the Government of the Islamic Republic of Iran cease forthwith any involvement in or toleration of murder and State-sponsored terrorism against Iranians living abroad and the nationals of other States;

3. _Also demands_ that the Government of the Islamic Republic of Iran withdraw its support for and cease condoning repeated threats to the lives of persons of whose opinions, writings or publications it disapproves;

4. _Calls upon_ the Government of the Islamic Republic of Iran to cooperate with the judicial authorities in countries around the world which are investigating incidents of international terrorism, and in

particular to return for trial in Switzerland two persons accused of the murder of Professor Kazem Rajavi who were returned to Iran and who are sought by the Swiss judicial officials;

5. Urges the Government of the Islamic Republic of Iran to comply with all current international norms in the field of human rights, including, in particular, those contained in the International Covenant on Civil and Political Rights, to which the Islamic Republic of Iran is a party;

6. Strongly supports the view of the Commission on Human Rights that the international monitoring of the human rights situation in the Islamic Republic of Iran should be continued;

7. Welcomes the appointment by the Chairman of the Commission on Human Rights of the new Special Representative on the situation of human rights in the Islamic Republic of Iran, in view of the deteriorating situation of human rights in that country;

8. Requests the Secretary-General to continue to keep the Sub-Commission informed of relevant reports and United Nations measures to prevent human rights violations in the Islamic Republic of Iran, including, in particular, those concerning the situation of the Kurds and the Arab minority and the religious freedoms and the emancipation of the Baha'i and Christian communities in Iran;

9. Decides to consider further the situation of human rights in the Islamic Republic of Iran at its forty-eighth session."

182. On the proposal of Mr. Bossuyt, consideration of the draft resolution was postponed.

183. At its 34th meeting, on 24 August 1995, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1995/L.5/Rev.1 sponsored by Mr. Bengoa, Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Mr. Chernichenko, Mr. Eide, Ms. Gwanmesia and Mr. Joinet.

184. Statements relating to the draft resolution were made by Mr. Bossuyt and Ms. Chavez.

185. The observer for the Islamic Republic of Iran made a statement.

186. Mr. Bossuyt orally revised the text by replacing, in the French version, in operative paragraphs 2 and 3, the word "exige" by the word "demande".

187. At the request of Mr. Alfonso Martínez and Ms. Warzazi, a vote was taken on the draft resolution.

188. The draft resolution, as revised, was adopted, by secret ballot, by 13 votes to 7, with 2 abstentions.

189. For the text, as adopted, see chapter II, section A, resolution 1995/18.

Situation in the Palestinian and other Arab territories occupied by Israel

190. At its 26th meeting, on 18 August 1995, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1995/L.6, sponsored by Mr. El-Hajjé, Mr. Guissé and Mr. Ramadhane.

191. Mr. El-Hajjé revised the eighth preambular paragraph to read as follows:

> "Welcoming the ongoing Middle East peace process started at Madrid, in particular the signing at Cairo on 4 May 1994 of the first agreement on the implementation of the Declaration of Principles on the Gaza Strip and Jericho Area by the Government of Israel and the Palestine Liberation Organization, the representative of the Palestinian people."

192. Ms. Chavez orally proposed the following amendments:

(i) To add a new ninth preambular paragraph reading as follows:

> "Concerned at the emerging pattern of human rights violations of Palestinians living in the Gaza Strip and Jericho by the Palestinian Authority, attested to by reputable non-governmental organizations,";

(ii) To add a new tenth preambular paragraph;

(iii) To add a new operative paragraph 8.

The amendments were accepted by the sponsors.

193. Mr. El-Hajjé proposed to postpone consideration of the draft resolution.

194. At the 27th meeting, on 18 August 1995, the Sub-Commission resumed consideration of draft resolution E/CN.4/Sub.2/1995/L.6.

195. Statements relating to the draft resolution were made by Mr. Alfonso Martínez, Ms. Chavez, Mr. Eide, Mr. El-Hajjé, Mr. Guissé, Mr. Khalil, Ms. Palley and Ms. Warzazi.

196. The observers for Israel and the Syrian Arab Republic made statements.

197. At the request of Mr. Alfonso Martínez, a separate vote was taken on the new ninth preambular paragraph as proposed by Ms. Chavez. The proposed new ninth preambular paragraph was rejected, by secret ballot, by 11 votes to 9, with 3 abstentions.

198. At the request of Ms. Chavez, a vote was taken on draft resolution E/CN.4/Sub.2/1995/L.6.

199. The draft resolution, as revised and amended, was adopted by secret ballot by 17 votes to 2, with 4 abstentions.

200. For the text as adopted, see chapter II, section A, resolution 1995/9.

Situation of human rights in Kosovo

201. At the 26th meeting, on 18 August 1995, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1995/L.7, sponsored by Mr. Bossuyt, Mr. El-Hajjé, Mr. Guissé and Mr. Ramadhane. Ms. Chavez subsequently joined the sponsors.

202. Mr. El-Hajjé made a statement in connection with the draft resolution.

203. Mr. Chernichenko requested that consideration of the draft resolution be postponed until his amendment, contained in document E/CN.4/Sub.2/1995/L.42, was available to the members of the Sub-Commission.

204. At the 27th meeting, on 18 August 1995, the Sub-Commission resumed consideration of draft resolution E/CN.4/Sub.2/1995/L.7, together with the proposed amendment by Mr. Chernichenko contained in document E/CN.4/Sub.2/1995/L.42, which read as follows:

> "After the fifth preambular paragraph, add the following new preambular paragraph:
>
> '*Emphasizing* the importance of respect for the territorial integrity of the Federal Republic of Yugoslavia (Serbia and Montenegro),' "

205. Statements relating to Mr. Chernichenko's amendment were made by Mr. Alfonso Martínez, Mr. Bossuyt, Mr. Chernichenko, Mr. El-Hajjé, Mr. Guissé, Mr. Joinet, Ms. Palley, Ms. Warzazi and Mr. Yimer.

206. At the request of Ms. Warzazi, a vote was taken on Mr. Chernichenko's amendment. The amendment was rejected, by secret ballot, by 15 votes to 6, with 2 abstentions.

207. In connection with draft resolution E/CN.4/Sub.2/1995/L.7, Ms. Warzazi proposed to amend operative paragraph 3 by replacing the word "*Demands*" with the word "*Requests*". The proposal was accepted by the sponsors.

208. The draft resolution, as amended, was adopted by secret ballot by 17 votes to 3, with 4 abstentions.

209. For the text as adopted, see chapter II, section A, resolution 1995/10.

Situation of human rights and fundamental freedoms in all countries

210. On 11 August 1995, Mr. Bossuyt, Ms. Chavez and Ms. Palley submitted draft resolution E/CN.4/Sub.2/1995/L.8, which read as follows:

> "*Question of the violation of human rights and fundamental freedoms in all countries*
>
> *The Sub-Commission on Prevention of Discrimination and Protection of Minorities*,

Recalling resolution 1235 (XLII) of 6 June 1967 of the Economic and Social Council and resolution 8 (XXIII) of 16 March 1967 of the Commission on Human Rights authorizing the Sub-Commission to examine information relevant to gross violations of human rights and fundamental freedoms in all countries,

Mindful that the Commission on Human Rights in its resolution 1995/26 of 3 March 1995 reaffirmed that one of the tasks of the Sub-Commission is a thorough examination of information concerning alleged human rights violations, as well as the presentation of the results of the examination to the Commission,

Having in mind that, at its forty-seventh session, numerous allegations of gross violations of human rights and fundamental freedoms by States and replies by observer States in respect of such allegations were presented to the Sub-Commission,

Taking into consideration the thematic and country special rapporteurial systems, which are Commission mechanisms for reporting on questions within the mandates of the Special Rapporteurs and which empower them to examine situations where relevant standards of human rights and fundamental freedoms are not being observed,

Conscious of the great difficulties in evaluating all the complex information presented to the Sub-Commission in respect of alleged gross violations of human rights and fundamental freedoms,

Observing that the reports generated by the thematic and country special rapporteurial systems and resolutions of the Commission on Human Rights thereon give valuable guidance to the Sub-Commission in its task of properly assessing any such allegations, thereby enabling it to fulfil its duty of presenting the results of its examination to the Commission,

Observing also that there is a high degree of correlation between comments by special rapporteurs on failures by States to cooperate fully with the human rights monitoring systems and the continuing allegations made against States under item 6 of the Sub-Commission's agenda, in particular at the current session,

Taking note with concern that this high degree of correlation is prima facie corroboration that the alleged violations which had precipitated the Special Rapporteurs' concern have continued,

Recalling the reports to the Commission at its fifty-first session submitted by the Special Rapporteur on the question of torture (E/CN.4/1995/34 and Add.1 and Add.1/Corr.1) and the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1995/61 and Add.1) and their joint report (E/CN.4/1995/111), Recalling also the reports of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (E/CN.4/1995/32), of the Special Rapporteur on religious intolerance (E/CN.4/1995/91) and of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1995/36),

Recalling further Commission on Human Rights resolutions 1995/66 and 1995/68 of 7 March 1995, 1995/69, 1995/72, 1995/76 and 1995/77 of 8 March 1995, and the Commission's consensus statement read out by the Chairman on 27 February 1995 (E/1995/23-E/CN.4/1995/176, para. 594),

Noting that the reports and Commission resolutions referred to indicate:

(a) That certain Governments, namely those of India, Indonesia and Pakistan, have failed to invite or to finalize invitations to the Special Rapporteur on the question of torture to visit their countries, and that certain Governments, namely those of Bangladesh, China and Turkey, have similarly failed to invite the Special Rapporteur on extrajudicial, summary or arbitrary executions to visit their countries;

(b) That where a special rapporteur has been appointed in respect of the situation in a particular country, the Commission has regretted the failure of certain Governments, namely those of Cuba, Iraq, the Islamic Republic of Iran, the Sudan and Zaire, to cooperate either in whole or in part with the Special Rapporteur;

(c) That Governments, namely those of Bangladesh, China, Saudi Arabia and the Sudan, in respect of which allegations were also made in the Sub-Commission, have failed to reply to some or all of the cases transmitted by the Special Rapporteur on the question of torture;

(d) That the Government of Burundi has failed to supply information regarding disappeared persons and that the Governments of Peru and the Syrian Arab Republic have failed to clarify cases of disappearance transmitted by the Working Group on Enforced or Involuntary Disappearances;

(e) That, according to the Special Rapporteur on the question of torture, even where Governments have replied, they have either failed to explain the nature of the investigation on the basis of which they reached their position or to accept that systematic rather than individual cases of torture were involved, or have displayed an attitude of treating the matter as merely one of insufficiency of proof in individual cases and not as systematic, or have failed to deal adequately with the substance of the torture allegation, as in China, Colombia, Peru and Turkey;

(f) That, according to the Special Rapporteurs on the question of torture and on extrajudicial, summary or arbitrary executions, even where there was willingness on the part of the State to cooperate, there were continued invasions of particular rights by State organs, as in Colombia and Peru, and that the Special Rapporteur on religious intolerance has expressed concern about religious intolerance and State religious discrimination in Bangladesh and Viet Nam, respectively;

(g) That the Special Rapporteur on extrajudicial, summary or arbitrary executions has expressed concern, in cases of countries where there are special courts to deal with emergency situations, about the procedural shortcomings and risks to fair trial of such courts, as in Algeria, Colombia and Nigeria;

(h) That the Special Rapporteur on the question of torture has stated that there may even be systematic practice of torture, as in Yugoslavia in the former autonomous republic of Kosovo;

(i) That the Special Rapporteur on extrajudicial, summary or arbitrary executions has stated that there is failure systematically to investigate actions by State security forces in Algeria and Israel;

(j) That the Special Rapporteurs on the question of torture and on extrajudicial, summary or arbitrary executions and the Working Group on Involuntary disappearances have noted that in certain countries failure to take serious measures against the security forces has resulted in impunity for State armed forces, as in the cases of Burundi, Chad, Colombia and Peru;

Well aware and gravely concerned that terrorist activity is a growing phenomenon, inflicting severe suffering on both civilians and the forces of law and order, and resulting in continuing conflict,

Noting that in countries where extensive terrorist activity aimed at secession has continued, there have allegedly been human rights violations by security forces in restoring order and that, in particular, disproportionate force and even torture has been used in those emergency situations, contrary to international human rights and international humanitarian law, as in the cases of India in respect of Kashmir, Indonesia, Sri Lanka and the Russian Federation in respect of Chechnya,

Urging State authorities to conduct exhaustive and impartial investigations into all cases of excessive or arbitrary use of force, to bring those responsible to justice and punish them and to grant adequate compensation to the families of the victims,

Particularly concerned that the Special Rapporteur on extrajudicial, summary or arbitrary executions found that the United Nations mechanisms in place in Burundi do not monitor on a day-to-day basis the human rights violations that occur in the country (E/CN.4/1995/61, para. 80),

Having carefully considered the helpful replies by Governments commenting on both the observations contained in reports and on the allegations made under item 6 of its agenda, None the less remaining concerned at the high incidence of correlation between the comments contained in the reports and the allegations under item 6 and the consequential prima facie corroboration that gross violations of human rights and fundamental freedoms have continued since the making of the comments in the various reports,

1. Considers it advisable to draw the attention of the Commission on Human Rights to these correlations;

2. Invites the Commission to consider reminding the relevant States of the need for the fullest possible cooperation with the United Nations human rights monitoring systems, in particular the thematic special rapporteurs and the special rapporteurs on country situations, as well as with the Working Group on Enforced or Involuntary Disappearances."

211. At the 26th meeting, on 18 August 1995, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1995/L.8/Rev.1, sponsored by Ms. Chavez, Mr. Genot and Ms. Palley, which read as follows:

"Question of the violation of human rights and fundamental freedoms in all countries

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling resolution 1235 (XLII) of 6 June 1967 of the Economic and Social Council and resolution 8 (XXIII) of 16 March 1967 of the Commission on Human Rights authorizing the Sub-Commission to examine information relevant to gross violations of human rights and fundamental freedoms in all countries,

Mindful that the Commission on Human Rights in its resolution 1995/26 of 3 March 1995 reaffirmed that one of the tasks of the Sub-Commission is a thorough examination of information concerning alleged human rights violations, as well as the presentation of the results of the examination to the Commission,

Having in mind that, at its forty-seventh session, numerous allegations of gross violations of human rights and fundamental freedoms by States and replies by observer States in respect of such allegations were presented to the Sub-Commission,

Taking into consideration the thematic special rapporteurial systems, which are Commission mechanisms for reporting on questions within the mandates of the Special Rapporteurs and which empower them to examine situations where relevant standards of human rights and fundamental freedoms are not being observed,

Conscious of the great difficulties in evaluating all the complex information presented to the Sub-Commission in respect of alleged gross violations of human rights and fundamental freedoms, Observing that the reports generated by the thematic special rapporteurial systems and resolutions of the Commission on Human Rights thereon give valuable guidance to the Sub-Commission in its task of properly assessing any such allegations, thereby enabling it to fulfil its duty of presenting the results of its examination to the Commission,

Observing also that there are apparently correlations between comments by thematic special rapporteurs on failures by States to cooperate fully with the human rights monitoring systems and the continuing allegations made against States under item 6 of the Sub-Commission's agenda, in particular at the current session,

Taking note with concern that these apparent correlations provide prima facie corroboration that the alleged violations which had precipitated the Special Rapporteurs' concern have continued,

Recalling the reports to the Commission at its fifty-first session submitted by the Special Rapporteur on the question of torture (E/CN.4/1995/34 and Add.1 and Add.1/Corr.1) and the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1995/61 and Add.1) and their joint report (E/CN.4/1995/111),

Recalling also the reports of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (E/CN.4/1995/32) and of the Special Rapporteur on religious intolerance (E/CN.4/1995/91),

Noting that the reports and Commission resolutions referred to indicate:

(a) That certain Governments have failed to invite or to finalize invitations to the Special Rapporteur on the question of torture to visit their countries, and that certain Governments have similarly failed to invite the Special Rapporteur on extrajudicial, summary or arbitrary executions to visit their countries;

(b) That Governments in respect of which allegations were also made in the Sub-Commission, have failed to reply to some or all of the cases transmitted by the Special Rapporteur on the question of torture;

(c) That, according to the Special Rapporteur on the question of torture, even where Governments have replied, they have either failed to explain the nature of the investigation on the basis of which they reached their position or to accept that systematic rather than individual cases of torture were involved, or have displayed an attitude of treating the matter as merely one of insufficiency of proof in individual cases and not as systematic, or had failed to deal adequately with the substance of the torture allegation;

(d) That, according to the Special Rapporteurs on the question of torture and on extrajudicial, summary or arbitrary executions, even where there was willingness on the part of the State to cooperate, there were continued invasions of particular rights by State organs and that the Special Rapporteur on religious intolerance has expressed concern about religious intolerance and State religious discrimination;

(e) That the Special Rapporteur on extrajudicial, summary or arbitrary executions has expressed concern, in cases of countries where there are special courts to deal with emergency situations, about the procedural shortcomings and risks to fair trial of such courts;

(f) That the Special Rapporteur on the question of torture has stated that there may even be systematic practice of torture;

(g) That the Special Rapporteur on extrajudicial, summary or arbitrary executions has stated that there is failure systematically to investigate actions by State security forces;

(h) That the Special Rapporteurs on the question of torture and on extrajudicial, summary or arbitrary executions and the Working Group on Involuntary disappearances have noted that in certain countries failure to take serious measures against the security forces has resulted in impunity for State armed forces;

Well aware and gravely concerned that terrorist activity is a growing phenomenon, inflicting severe suffering on both civilians and the forces of law and order, and resulting in continuing conflict,

Noting that in countries where extensive terrorist activity aimed at secession has continued, there have allegedly been human rights violations by security forces in restoring order and that, in particular, disproportionate force and even torture has been used in those emergency situations, contrary to international human rights and international humanitarian law,

Urging State authorities to conduct exhaustive and impartial investigations into all cases of excessive or arbitrary use of force, to bring those responsible to justice and punish them and to grant adequate compensation to the families of the victims,

Particularly concerned that the Special Rapporteur on extrajudicial, summary or arbitrary executions found that the United Nations mechanisms in place in Burundi do not monitor on a day-to-day basis the human rights violations that occur in the country (E/CN.4/1995/61, para. 80),

Having carefully considered the helpful replies by Governments commenting on both the observations contained in reports and on the allegations made under item 6 of its agenda, None the less remaining concerned at the apparent correlations between the comments contained in the reports and the allegations under item 6 and the consequential prima facie corroboration that gross violations of human rights and fundamental freedoms have continued since the making of the comments in the various reports,

Decides to examine at its forty-eighth session whether there are indeed correlations between comments in the Special Rapporteurs' reports and subsequent allegations under agenda item 6, and what use should be made of such Special Rapporteurs' reports in evaluating allegations of violations of human rights."

212. Mr. Joinet proposed to defer consideration of the draft resolution until the next session of the Sub-Commission.

213. In line with Mr. Joinet's proposal, Ms. Chavez proposed that a decision should be taken on the issue under another agenda item. The members of the Sub-Commission agreed with that proposal.

214. Ms. Palley subsequently accepted to withdraw the draft resolution, subject to action being taken as proposed by Mr. Joinet and Ms. Chavez.

215. Statements in connection with the draft resolution and the proposals were made by Mr. Alfonso Martínez, Ms. Chavez, Mr. Chernichenko, Mr. Eide, Mr. Fan Guoxiang, Mr. Guissé, Ms. Gwanmesia, Mr. Joinet, Ms. Mbonu, Ms. Palley, Ms. Warzazi and Mr. Yimer.

Situation of human rights in Turkey

216. At the 26th meeting, on 18 August 1995, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1995/L.9, sponsored by Mr. Ali Khan, Ms. Chavez, Mr. Joinet, and Ms. Koufa. Mr. Ali Khan subsequently withdrew as a sponsor. The draft resolution read as follows:

"Situation of human rights in Turkey

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the aims and principles of the Charter of the United Nations, the Universal Declaration of Human Rights and the other international legal instruments for the protection of human rights, including the European Convention for the Protection of Human Rights and Fundamental Freedoms, as well as the norms and principles of international humanitarian law,

Recalling that Turkey is a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Preoccupied by the detention of scholars, writers, journalists, parliamentarians and human rights defenders and others imprisoned for their opinions, and by the fact that several thousand cases are being examined by the Supreme Court and the State Security Court,

Taking note of resolution 1030 (1994) of the Parliamentary Assembly of the European Council on the arrest and detention of six members of the Turkish Grand National Assembly on 2 and 3 March 1994 and their sentences to terms of imprisonment of 3½ to 15 years, and of resolution PE/192 034, adopted on 26 and 27 June 1995 by the European Parliament, expressing its opposition to the agreement on customs union as long as these persons are imprisoned,

Preoccupied by the fact that the opposition press is continuously censored, harassed and attacked,

1. Strongly condemns the imprisonment of intellectuals, scholars, writers, journalists and parliamentarians in Turkey on the ground of their opinions;

2. Also condemns the oppression, censorship and raids carried out against the opposition press;

3. Exhorts the Government of Turkey to respect and ensure freedom of opinion and expression, particularly with regard to intellectuals, journalists and members of the Turkish Grand National Assembly;

4. Calls on the Government of Turkey to invite the Special Rapporteur on freedom of opinion and expression to visit Turkey as soon as possible;

5. Decides to examine the question of human rights in Turkey at its forty-eighth session under item 6 of its agenda."

217. Ms. Chavez, on behalf of the sponsors, withdrew the draft resolution, to be replaced by a draft decision.

218. Mr. Joinet orally proposed the text of a draft decision.

219. Statements in connection with the draft decision were made by Ms. Chavez, Mr. Chernichenko, Mr. Joinet, Ms. Koufa, Ms. Palley, Ms. Warzazi and Mr. Yimer.

220. The observer for Turkey made a statement.

221. At the request of Ms. Koufa, Ms. Warzazi and Mr. Yimer, a vote by secret ballot was taken on the draft decision.

222. The draft decision was adopted by 11 votes to 9, with 2 abstentions.

223. For the text as adopted, see chapter II, section B, decision 1995/108.

Situation in Indonesia

224. At the 26th meeting, on 18 August 1995, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1995/L.12, sponsored by Mr. Bengoa, Ms. Chavez and Mr. Eide, which read as follows:

"Situation in Indonesia

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, in particular article 6 on the inherent right to life, article 18 on freedom of thought, conscience and religion, and article 19 on the right to freedom of expression, and other relevant human rights instruments,

Recalling the report of the Special Rapporteur on the question of torture following his visit to Indonesia and East Timor in November 1991 (E/CN.4/1992/17/Add.1), in particular his recommendation in paragraph 80 (b) that the independence of the judiciary should be scrupulously respected, and the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on his visit to Indonesia and East Timor in July 1994 (E/CN.4/1995/61/Add.1), in particular the recommendation in paragraph 81 (b) that the independence, fairness and transparency of the judiciary should be improved and guaranteed,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms as enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights and various international instruments in the field of human rights,

Deeply concerned at the fate of over 20 political prisoners held since the late 1960s in connection with the events of October 1965, 5 of whom have been under sentence of death for more than 20 years, and the fate of ex-political prisoners who suffer from systematic discrimination,

Gravely concerned at the continuing reports of the killing of unarmed civilians in Irian Jaya in the vicinity of the Freeport copper and gold mine at the Tembagapura in the last six months of 1994, numerous killings of members of the Islamic community such as occurred at Tanjung Priok, Jakarta, in 1985; at Aceh, in the northern part of Sumatra and at Haur Koneng, western Java, and the reported killing of petty criminals, known as Bromocorah, in various parts of the archipelago,

Deeply concerned at the continuing interference of the security apparatus in religious affairs, notably in the case of Lutheran churches in northern Sumatra, which has resulted in the loss of human life,

Deeply concerned also at further restrictions on the freedom of expression, including the use of excessive force in suppressing demonstrations, in particular pertaining to the situation of press freedom in Indonesia since the banning of three major journals and the subsequent arrest and detention of three members of the Independent Journalists Association and one member of a pro-democracy non-governmental organization whose trial is now in progress,

Concerned that several people are on trial in Indonesia for defamation of the head of State, thereby posing a threat to freedom of expression,

Noting that the Government of Indonesia has not yet ratified the International Covenant on Economic, Social and Cultural Rights,

1. Expresses its deep concern that there are continuing threats to the right to life of five political prisoners who have been detained for more than 25 years;

2. Also expresses its deep concern at the reports of continuing widespread and systematic violations of human rights in Irian Jaya;

3. Further expresses its deep concern that the security apparatus continues to use excessive force against civilians and to enjoy impunity;

4. Requests the Secretary-General to transmit information from all reliable sources on the human rights situation in Indonesia to the Commission on Human Rights at its fifty-second session;

5. Recommends that the Commission consider, at its fifty-second session, the situation pertaining to human rights and fundamental freedoms in Indonesia, and to that end recommends that the Commission urge the Government of Indonesia to invite the Special Rapporteur on the independency and impartiality of the judiciary and the Special Rapporteur on freedom of opinion and expression to visit Indonesia;

6. Requests the Secretariat to transmit all reliable information pertaining to the situation of all aspects of human rights and fundamental freedom in Indonesia to the Sub-Commission at its forty-eighth session."

225. Ms. Chavez orally revised the text as follows:

(a) Insert a new fifth preambular paragraph to read as follows:

"Welcoming the decision of the Government of Indonesia to grant clemency to three 1965 political prisoners and to abolish the 'ex-tapol' code on identity cards of former 1965 prisoners,";

(b) Insert, in the fifth preambular paragraph, before the words "killing of unarmed", the word "alleged";

(c) In the sixth preambular paragraph, replace the word "continuing" with the words "allegations of continued";

(d) In the eighth preambular paragraph, replace the words "defamation of the head of State" with the words "expressing views critical of the Government";

(e) At the end of the last preambular paragraph, add the words "and the International Covenant on Civil and Political Rights";

(f) At the end of operative paragraph 1, add the following words: "and another 19 who are serving life sentences, and hopes that they will be granted amnesty".

226. Statements in connection with the draft resolution and the revisions were made by Mr. Alfonso Martínez, Ms. Chavez, Mr. Eide, Ms. Gwanmesia, Mr. Joinet, Ms. Palley and Ms. Warzazi.

227. The observer for Indonesia made a statement.

228. At the request of Ms. Mbonu, a vote by secret ballot was taken.

229. The draft resolution was rejected by secret ballot by 14 votes to 9.

Prevention of incitement to hatred and genocide, particularly by the media

230. At the 27th meeting, on 18 August 1995, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1995/L.13, sponsored by Mr. Joinet and Ms. Warzazi. Mr. Bossuyt and Mr. Guissé subsequently joined the sponsors.

231. Ms. Palley proposed to insert a new sixth preambular paragraph to read as follows:

> "Also alarmed that the Special Rapporteur on extrajudicial, summary or arbitrary executions found that the United Nations mechanisms in place in Burundi do not monitor, on a day-to-day basis, the human rights violations that occur in the country,".

232. The amendment was not accepted by the sponsors.

233. Statements in connection with the draft resolution and the amendment were made by Mr. Alfonso Martínez, Mr. Bossuyt and Mr. Joinet.

234. The draft resolution was adopted without a vote.

235. For the text, as adopted, see chapter II, section A, resolution 1995/4.

Situation of human rights in Burundi

236. At the 27th meeting, on 18 August 1995, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1995/L.14 sponsored by Mr. Bengoa, Mr. Eide, Mr. El-Hajjé, Ms. Forero Ucros, Mr. Guissé, Ms. Gwanmesia, Mr. Hakim, Mr. Joinet, Mr. Khalifa, Ms. Koufa, Mr. Ramadhane, Ms. Warzazi and Mr. Yimer.

237. Mr. Guissé orally revised the draft resolution as follows:

(a) Add a new sixth preambular paragraph;

(b) Insert, in the ninth preambular paragraph, before the words "The Burundian army", the words "certain elements of";

(c) Delete, at the end of the twelfth preambular paragraph, the words "where a veritable war is currently in progress";

(d) Add a new operative paragraph 1, to read as follows:

> "Encourages the Government of Burundi resulting from the agreement between the political partners for the efforts conducted in the combat for the return of peace, reconciliation and national construction;".

238. Mr. Guissé subsequently withdrew his proposal relating to a new operative paragraph 1.

239. Statements relating to the draft resolution and revisions were made by Mr. Alfonso Martínez, Mr. Lindgren Alves and Ms. Warzazi.

240. The observer for Burundi made a statement.

241. The draft resolution, as revised, was adopted without a vote.

242. For the text, as adopted, see chapter II, section A, resolution 1995/11.

Situation of human rights in Rwanda

243. At the 27th meeting, on 18 August 1995, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1995/L.15, sponsored by Mr. Bengoa, Mr. Bossuyt, Mr. Eide, Mr. El-Hajjé, Ms. Forero Ucros, Mr. Guissé, Ms. Gwanmesia, Mr. Hakim, Mr. Joinet, Mr. Khalifa, Ms. Koufa, Mr. Ramadhane, Ms. Warzazi and Mr. Yimer. Ms. Chavez subsequently joined the sponsors.

244. Mr. Guissé made a statement in connection with the draft resolution.

245. The draft resolution was adopted without a vote.

246. For the text, as adopted, see chapter II, section A, resolution 1995/5.

Situation in the Chechen Republic of the Russian Federation

247. On 11 August 1995, Ms. Chavez and Ms. Palley submitted draft resolution E/CN.4/Sub.2/1995/L.16, which read as follows:

"Situation in Chechnya

> The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, the Geneva Conventions of 12 August 1949 on the protection of war victims, and other instruments for the protection of human rights,

Recalling the statement by the Chairman of the Commission on Human Rights at its fifty-first session expressing deep concern about the situation of human rights in the Republic of Chechnya and calling for an immediate cessation of hostilities (E/1995/23-E/CN.4/1995/176, para. 594),

Deeply concerned about the disproportionate use of force by the Russian forces, resulting in a large number of civilian victims, the infliction of suffering on the civilian population and the destruction of cities, towns and villages in Chechnya,

Concerned also about the ill-treatment of prisoners and of displaced persons held in detention facilities and so-called filtration centres,

Recognizing the efforts of both sides in the conflict, with the assistance of the Organization for Security and Cooperation in Europe, to restore peace and seek a political solution to the conflict through a process of negotiations, and welcoming the agreement on and implementation of a cease-fire,

1. _Condemns_ the violation of human rights and fundamental freedoms in Chechnya, including the right to life, and the violation of the human rights of prisoners and detainees, including those held outside the Republic;

2. _Deplores_ the earlier indiscriminate bombing of cities and villages and the serious destruction of civilian installations and infrastructure in Chechnya in violation of the minimum requirements of humanitarian law;

3. _Concerned_ at the plight of about four hundred thousand members of the civilian population, who have been rendered homeless, whose properties have been destroyed, who lack sufficient humanitarian aid and who will soon be facing the hardships of winter;

4. _Calls_ for an immediate cessation of violations of human rights and humanitarian law by all parties and calls for all those who have committed war crimes, crimes against humanity and other violations of human rights and humanitarian law to be brought to justice;

5. _Welcomes_ the holding of negotiations between the Russian Federation and the Republic of Chechnya and commends the efforts of the Organization for Security and Cooperation in Europe in facilitating those negotiations;

6. Urgently calls on both parties to respect fully the terms of the military agreement concluded by them, including the terms for a cease-fire, and to desist from any action which could lead to a resumption of armed hostilities;

7. Urges both parties to the conflict to continue negotiations with the aim of achieving a comprehensive peaceful solution to the crisis, in accordance with recognized principles of international law;

8. Calls for all persons who are detained to be treated in conformity with humanitarian law and for the International Committee of the Red Cross to be permitted to have access to all those persons in order to verify the conditions of their detention and treatment;

9. Decides to follow the development of the situation in Chechnya, and requests the Secretary-General to submit a report to the Commission on Human Rights on the situation in Chechnya, addressing in particular the reported use of chemical weapons."

248. At the 27th meeting, on 18 August 1995, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1995/L.16/Rev.1, sponsored by Ms. Chavez and Ms. Palley, which read as follows:

"Situation in the Chechen Republic of the Russian Federation

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other instruments for the protection of human rights,

Recalling the statement by the Chairman of the Commission on Human Rights at its fifty-first session expressing deep concern about the situation of human rights in the Republic of Chechnya and calling for an immediate cessation of hostilities (E/1995/23-E/CN.4/1995/176, para. 594),

Recognizing the efforts of both sides in the conflict, with the assistance of the Organization for Security and Cooperation in Europe, to restore peace and seek a political solution to the conflict on the basis of the Constitution of the Russian Federation through a process of negotiations, and welcoming the agreement and implementation of a cease-fire,

Recalling that the Chairman of the Commission on Human Rights at its fifty-first session in his statement called for a dialogue with the aim of achieving a peaceful solution to the crisis, with respect for the territorial integrity and the Constitution of the Russian Federation, as well as a guarantee of human rights, the restoration of the constitutional order and the organization of free and fair elections in the Republic of Chechnya,

1. Expresses its deep concern at the violations of human rights and fundamental freedoms in the Republic of Chechnya and the act of terrorism in Budyonnovsk;

2. Also expresses its concern at the plight of many members of the civilian population who have been rendered homeless, whose properties have been destroyed, who lack sufficient humanitarian aid, and who will soon be facing the hardships of winter;

3. Calls on both parties to take necessary measures for the prevention of further violations of human rights and humanitarian standards;

4. Calls for all those who have committed violations of human rights to be brought to justice;

5. Appeals to both sides speedily to release all prisoners and detained persons;

6. Welcomes the holding of the negotiations on a political settlement and commends the efforts of the Organization for Security and Cooperation in Europe in facilitating those negotiations;

7. Encourages the reaching of a comprehensive peaceful solution;

8. Urgently calls on both parties to respect fully the terms of the military agreement concluded by them, including the terms for a cease-fire, and to desist from any action which could lead to a resumption of armed hostilities;

9. Welcomes the cooperation of the Russian Federation with the United Nations High Commissioner for Human Rights and other human rights bodies;

10. Requests the Secretary-General to transmit the text of the present resolution to the parties concerned."

249. At the same meeting, Ms. Palley withdrew the draft resolution.

Situation in Colombia

250. At the 27th meeting, on 18 August 1995, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1995/L.17, sponsored by Mr. Bengoa, Ms. Chavez, Mr. Eide, Mr. Guissé and Mr. Joinet.

251. Mr. Lindgren Alves amended the text as follows:

(a) Delete, in operative paragraph 3, the word "fully" after the word "implement";

(b) Replace, in operative paragraph 4, the word "situation" with the word "developments".

252. Statements relating to the draft resolution were made by Mr. Eide, Ms. Forero Ucros and Ms. Warzazi.

253. The observer for Colombia made a statement.

254. The draft resolution, as amended, was adopted without a vote.

255. For the text, as adopted, see chapter II, section A, resolution 1995/6.

Situation of human rights in Guatemala

256. At the 27th meeting, on 18 August 1995, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1995/L.19, sponsored by Mr. Joinet.

257. Statements relating to the draft resolution were made by Mr. Eide, Ms. Forero Ucros and Mr. Joinet.

258. The observer for Guatemala made a statement.

259. The draft resolution was adopted without a vote.

260. For the text, as adopted, see chapter II, section A, resolution 1995/7.

Situation in the territory of the former Yugoslavia

261. At the 27th meeting, on 18 August 1995, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1995/L.24, sponsored by Mr. Ali Khan, Ms. Chavez, Mr. Eide, Mr. El-Hajjé, Ms. Forero Ucros, Mr. Genot, Mr. Guissé, Ms. Gwanmesia, Mr. Hakim, Mr. Hatano, Mr. Joinet, Mr. Khalifa, Ms. Mbonu, Ms. Palley, Ms. Warzazi and Mr. Yimer.

262. Mr. Eide orally revised the draft resolution as follows:

(a) Insert, in the title of the draft resolution, after the words "situation in the", the words "territory of the";

(b) At the end of the eleventh preambular paragraph, add the phrase "of the non-Serb population from the Banja Luka region and of Croats from Vojvodina";

(c) Insert a new thirteenth preambular paragraph.

263. Statements relating to the draft resolution were made by Mr. Alfonso Martínez, Mr. Bossuyt, Mr. Chernichenko and Mr. Eide.

264. The draft resolution, as revised, was adopted without a vote.

265. Mr. Alfonso Martínez made a statement in explanation of vote after the vote.

266. For the text of the resolution, as adopted, see chapter II, section A, resolution 1995/8.

VIII. THE NEW INTERNATIONAL ECONOMIC ORDER AND THE PROMOTION OF HUMAN RIGHTS

(a) The role and equal participation of women in development

267. The Sub-Commission considered item 7 together with item 11 (see chap. XII) at its 19th, 21st and 22nd meetings, on 14, 15 and 16 August 1995.

268. The Sub-Commission had before it the following document in connection with its consideration of the item:

> Written statement submitted by the American Association of Jurists, a non-governmental organization in consultative status (category II).

269. In the general debate on item 7, statements 1/ were made by the following members of the Sub-Commission: Mr. Eide (22nd), Mr. Zhong Shukong (21st).

270. Statements were made by the observers for Bangladesh (22nd), China (21st) and the Philippines (22nd).

271. At the 21st meeting, on 15 August 1995, a statement was made by the observer for the World Health Organization.

272. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: African Association of Education for Development (19th), American Association of Jurists (21st), Habitat International Coalition (21st), Indigenous World Association (21st), International Federation of Human Rights (21st), Liberation (21st) and Movement Against Racism and for Friendship Among Peoples (21st).

273. The Sub-Commission also heard a joint statement by International Association of Educators for World Peace and the United Towns Agency for North-South Cooperation (21st).

274. A statement equivalent to a right of reply was made by the observer for China (22nd).

IX. THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

275. The Sub-Commission considered item 8 at its 22nd to 24th and 35th meetings, on 15, 16, 17 and 24 August 1995.

276. The Sub-Commission had before it the following documents in connection with its consideration of the item:

> Preliminary set of basic policy guidelines on structural adjustment programmes and economic, social and cultural rights. Report of the Secretary-General prepared in pursuance of resolution 1994/37 (E/CN.4/Sub.2/1995/10);
>
> The relationship between the enjoyment of human rights, in particular international labour and trade union rights, and the working methods and activities of transnational corporations. Background document prepared by the Secretary-General (E/CN.4/Sub.2/1995/11);
>
> The right to adequate housing. Final report submitted by Mr. Rajindar Sachar, Special Rapporteur (E/CN.4/Sub.2/1995/12);
>
> Guidelines on international events and forced evictions. Report of the Secretary-General (E/CN.4/Sub.2/1995/13);
>
> Preliminary report on the relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution, prepared by Mr. José Bengoa, in conformity with resolution 1994/40 of the Sub-Commission and decision 1995/105 of the Commission on Human Rights (E/CN.4/Sub.2/1995/14);
>
> Second interim report on human rights and extreme poverty, prepared by Mr. Leandro Despouy, Special Rapporteur (E/CN.4/Sub.2/1995/15);
>
> Written statement submitted by the American Association of Jurists, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1995/NGO/2);
>
> Written statement submitted by the Baha'i International Community, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1995/NGO/9);
>
> Written statement submitted by Service Peace and Justice in Latin America, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1995/NGO/19);
>
> Written statement submitted by Habitat International Coalition, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1995/NGO/23);
>
> Joint written statement submitted by the International Alliance of Women, the International Council of Women, the International Movement ATD Fourth World, the International Social Security Association, non-governmental

organizations in consultative status (category I); the Baha'i International Community, Caritas Internationalis, the International Abolitionist Federation, the International Association of Democratic Lawyers, the International Association of Educators for World Peace, the International Council of Jewish Women, the International Federation of Rural Adult Catholic Movements, the International Federation of Social Workers, the International Federation Terre des Hommes, the International Fellowship of Reconciliation, the International Institute of Humanitarian Law, the International Movement for Fraternal Union among Races and Peoples, the World Federation for Mental Health, the World Federation of Methodist Women, the World Movement of Mothers, the World Union of Catholic Women's Organizations, the World Young Women's Christian Association, non-governmental organizations in consultative status (category II); the Centre Europe-Tiers Monde, the International Movement against All Forms of Discrimination and Racism, the Movement against Racism and for Friendship among Peoples, the World Christian Life Community, non-governmental organizations on the Roster (E/CN.4/Sub.2/1995/NGO/26);

Written statement submitted by the International League for the Rights and Liberation of Peoples, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1995/NGO/30);

Written statement submitted by the International League for the Rights and Liberation of Peoples, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1995/NGO/31);

Joint written statement submitted by Habitat International Coalition, a non-governmental organization in consultative status (category II) and Foodfirst Information and Action Network - FIAN, a non-governmental organization on the Roster (E/CN.4/Sub.2/1995/NGO/45);

Joint written statement submitted by Habitat International Coalition, a non-governmental organization in consultative status (category II) and Foodfirst Information and Action Network - FIAN, a non-governmental organization on the Roster (E/CN.4/Sub.2/1995/NGO/46);

Written statement submitted by FIAN International, a non-governmental organization on the Roster (E/CN.4/Sub.2/1995/NGO/58).

277. At the 22nd meeting, on 16 August 1995, Mr. Sachar, Special Rapporteur on the right to adequate housing, introduced his report (E/CN.4/Sub.2/1995/12).

278. At the same meeting Mr. Bengoa, Special Rapporteur on the relationship between the enjoyment of human rights and income distribution, introduced his report (E/CN.4/Sub.2/1995/14).

279. Also at the same meeting, Mr. Despouy, the Special Rapporteur on human rights and extreme poverty, introduced his report (E/CN.4/Sub.2/1995/15).

280. In the general debate on item 8, statements 1/ were made by the following members of the Sub-Commission: Mr. Ali Khan (24th), Mr. Bengoa (22nd), Mr. Eide (23rd), Mr. El-Hajjé (23rd), Mr. Hakim (24th), Mr. Joinet (23rd), Mr. Khalifa (23rd), Mr. Yokota (22nd), Mr. Zhong Shukong (22nd).

281. Statements were made by the observers for Chile (24th), Iraq (24th), Latvia (24th) and Uruguay (24th).

282. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: African Association of Education for Development (23rd), African Health and Human Rights Promoters Commission (23rd), Andean Commission of Jurists (24th), Centre Europe-Tiers Monde (24th), Foodfirst Information and Action Network (24th), Habitat International Coalition (24th), Indigenous World Association (24th), International Association Against Torture (23rd), International Association of Democratic Lawyers (24th), International Association of Educators for World Peace (24th), International Commission of Jurists (23rd), International Committee for European Security and Co-operation (23rd), International Education Development, Inc. (24th), International Federation-Terre des Hommes (23rd), International League for Human Rights (24th), International Movement against all Forms of Discrimination and Racism (23rd), International Movement ATD Fourth World (23rd), International Organization for the Development of Freedom of Education (23rd), Liberation (23rd), Minority Rights Group (22nd), Movement against Racism and for Friendship among Peoples (21st), Pax Romana (23rd), Regional Council on Human Rights in Asia (23rd), Survival International Limited (24th), Union of Arab Jurists (24th), World Federation of Democratic Youth (24th), World University Service (24th).

283. The Sub-Commission also heard a joint statement made by the American Association of Jurists and the International League for the Rights and Liberation of Peoples (23rd).

284. Statements equivalent to a right of reply were made by the observers for Indonesia (24th), Israel (24th) and Nicaragua (23rd).

285. At the 24th meeting, on 17 August 1995, Mr. Bengoa made his concluding remarks.

286. At the same meeting, Mr. Sachar made his concluding remarks.

287. Also at the same meeting, Mr. Despouy made his concluding remarks.

Promoting the realization of the human right to adequate housing

288. At the 35th meeting, on 24 August 1995, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1995/L.43 sponsored by Mr. Alfonso Martínez, Mr. Ali Khan, Mr. Chernichenko, Mr. Hakim, Mr. Hatano, Ms. Mbonu and Mr. Ramadhane. Mr. Boutkevitch and Ms. Gwanmesia subsequently joined the sponsors.

289. Mr. Guissé amended the draft resolution by deleting operative paragraph 13, which contained a draft resolution to be recommended to the Commission on Human Rights for adoption.

290. Ms. Palley amended the draft resolution by replacing, in operative paragraph 10, the words "Special Rapporteur" with the words "Secretary-General".

291. A statement relating to the draft resolution and the amendments was made by Mr. Chernichenko.

292. The draft resolution, as amended, was adopted without a vote.

293. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/27.

Human rights and extreme poverty

294. At the 35th meeting, on 24 August 1995, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1995/L.44 sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Mr. Eide, Mr. El-Hajjé, Ms. Forero Uxros, Mr. Guissé, Mr. Joinet and Ms. Warzazi.

295. The draft resolution was adopted without a vote.

296. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/28.

Forced evictions

297. At the 35th meeting, on 24 August 1995, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1995/L.45 sponsored by Mr. Ali Khan, Mr. Eide, Ms. Gwanmesia, Mr. Hakim, Mr. Hatano, Ms. Warzazi and Mr. Yimer.

298. The draft resolution was adopted without a vote.

299. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/29.

Human rights and income distribution

300. At the 35th meeting, on 24 August 1995, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1995/L.52 sponsored by Mr. Eide, Mr. El-Hajjé, Mr. Guissé, Mr. Joinet, Mr. Ramadhane, Ms. Warzazi and Mr. Yimer.

301. The draft resolution was adopted without a vote.

302. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/30.

The relationship between the enjoyment of human rights and the working methods and activities of transnational corporations

303. At the 35th meeting, on 24 August 1995, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1995/L.53 sponsored by Mr. Bengoa, Mr. Joinet, Mr. Khalil, Ms. Mbonu, Mr. Ramadhane and Ms. Warzazi.

304. A statement relating to the draft resolution was made by Mr. Joinet.

305. The draft resolution was adopted without a vote.

306. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/31.

Effects on the full enjoyment of human rights of structural adjustment programmes

307. At the 35th meeting, on 24 August 1995, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1995/L.54 sponsored by Mr. Ali Khan, Mr. Bengoa, Mr. Joinet, Mr. Khalil, Mr. Ramadhane and Ms. Warzazi.

308. Statements relating to the draft resolution were made by Mr. Bossuyt, Mr. El-Hajjé, Mr. Fan Guoxiang, Mr. Joinet and Ms. Palley.

309. The draft resolution was adopted without a vote.

310. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/32.

X. COMMUNICATIONS CONCERNING HUMAN RIGHTS: REPORT OF THE WORKING GROUP ESTABLISHED UNDER SUB-COMMISSION RESOLUTION 2 (XXIV) IN ACCORDANCE WITH ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1503 (XLVIII)

311. The Sub-Commission considered item 9 at its 30th to 33rd and 36th meetings on 22, 23 and 25 August 1995.

312. By resolution 1503 (XLVIII) of 27 May 1979, the Economic and Social Council authorized the Sub-Commission to appoint a working group (Working Group on Communications) of no more than five of its members to meet annually for 10 working days, immediately before each session of the Sub-Commission, to consider all communications received by the Secretary-General under Council resolution 728 F (XXVIII) of 30 July 1959, including replies of Governments thereon, with a view to bringing to the attention of the Sub-Commission those communications which appeared to reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms.

313. The procedure to be followed by the Working Group on Communications in deciding on the admissibility of communications was established by Sub-Commission resolution 1 (XXIV) of 13 August 1971, and the Working Group itself was set up in accordance with Sub-Commission resolution 2 (XXIV) of 16 August 1971.

314. The Sub-Commission had before it a confidential report on the work of the Working Group on Communications at its twenty-third session, held from 17 to 28 July 1995 (E/CN.4/Sub.2/1995/R.1 and addenda), certain communications which had been kept pending before the Sub-Commission since its forty-sixth session, in 1994, as well as all government replies relevant to the material before it. The Sub-Commission noted with appreciation that a large number of government replies, including detailed and substantive replies, had been received in response to communications forwarded to Governments under Council resolution 728 F (XXVIII). The Sub-Commission stressed in that connection that government cooperation was essential for the proper functioning of the bodies entrusted with the implementation of the procedure governed by Council resolution 1503 (XLVIII) and expressed the hope that all Governments would in the future respond to communications transmitted to them and thereby contribute to further development of international cooperation in the field of human rights.

315. Mr. F. Yimer, Chairman-Rapporteur of the Working Group on Communications, introduced the Working Group's report and drew attention, as appropriate, to the material which was pending before the Sub-Commission since its forty-sixth session.

316. Following the discussion which ensued, the Sub-Commission decided, pursuant to paragraph 5 of Economic and Social Council resolution 1503 (XLVIII), to refer to the Commission on Human Rights for consideration certain particular situations which appeared to reveal a consistent pattern of gross and reliably attested violations of human rights.

The Sub-Commission also decided to defer action on certain communications to its forty-eighth session, in 1996, and to take no action with regard to other communications.

317. At the 36th meeting (closed part), on 25 August 1995, the Sub-Commission adopted a confidential report, pursuant to paragraph 8 of Council resolution 1503 (XLVIII), by which it communicated to the Commission on Human Rights its decisions taken under paragraph 5 of that resolution.

318. Also at the 36th meeting, the Sub-Commission decided on the composition of its Working Group on Communications that would meet prior to its forty-eighth session. For the composition of the Working Group, see chapter II, section B, decision 1995/119.

XI. THE ADMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS OF DETAINEES

(a) Question of human rights and states of emergency;

(b) Individualization of prosecution and penalties, and repercussions of violations of human rights on families;

(c) Application of international standards concerning the human rights of detained juveniles;

(d) Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers.

319. The Sub-Commission considered item 10 at its 25th, 28th, 29th and 35th meetings, on 17, 21 and 24 August 1995.

320. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Report of the sessional working group on the administration of justice and the question of compensation (E/CN.4/Sub.2/1995/16 and Corr.1);

Report of the Secretary-General prepared pursuant to Sub-Commission resolution 1994/33 (E/CN.4/Sub.2/1995/17 and Add.1 and 2);

Progress report on the question of the impunity of perpetrators of violations of human rights (civil and political rights), prepared by the Special Rapporteur, Mr. Joinet, pursuant to Sub-Commission resolution 1994/34 (E/CN.4/Sub.2/1995/18);

Interim report on opposition to the impunity of perpetrators of human rights violations (economic, social and cultural rights), prepared by the Special Rapporteur, Mr. El-Hajjé Guissé, pursuant to Sub-Commission resolution 1994/34 (E/CN.4/Sub.2/1995/19);

Eighth annual report and list of States which, since 1 January 1985, have proclaimed, extended or terminated a state of emergency, presented by Mr. Leandro Despouy, Special Rapporteur appointed pursuant to Economic and Social Council resolution 1985/37 (E/CN.4/Sub.2/1995/20 and Corr.1);

Note by the Secretary-General (E/CN.4/Sub.2/1995/21);

Letter dated 3 May 1995 from the Permanent Observer for Palestine to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1996/5-E/CN.4/Sub.2/1995/36);

Written statement submitted by the International Federation of ACAT (Action of Christians for the Abolition of Torture), a non-governmental organization on the Roster (E/CN.4/Sub.2/1995/NGO/4);

Written statement submitted by the International Commission of Jurists, a non-governmental organization in consultative status (category II);

Written statement submitted by the International Commission of Jurists, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1995/NGO/8);

Written statement submitted by Pax Romana, a non-governmental organization in consultative status (category II) (E/CN.4/Sub 2/1995/NGO/24);

Written statement submitted by Service, Peace and Justice in Latin America, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1995/NGO/29);

Written statement submitted by the International Human Rights Law Group, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1995/NGO/36);

Written statement submitted by the Centre Europe-Tiers Monde, a non-governmental organization on the Roster (E/CN.4/Sub.2/1995/NGO/37);

Written statement submitted by the Consultative Council of Jewish Organizations, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1995/NGO/38);

Written statement submitted by International Educational Development, Inc., a non-governmental organization on the Roster (E/CN.4/Sub.2/1995/NGO/42);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1995/NGO/43);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1995/NGO/54);

Written statement submitted by Pax Christi International, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1995/NGO/56);

Written statement submitted by the Society for Threatened Peoples, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1995/NGO/57);

Expert group meeting on children and juveniles in detention: application of human rights standards. Report of the Secretary-General pursuant to Commission on Human Rights resolution 1993/80 (E/CN.4/1995/100).

321. At the 25th meeting, on 17 August 1995, Mr. Joinet, Special Rapporteur, introduced his progress report on the question of the impunity of perpetrators of violations of human rights (civil and political rights) (E/CN.4/Sub.2/1995/18).

322. At the same meeting, Mr. Guissé, Special Rapporteur, introduced his interim report on opposition to the impunity of perpetrators of human rights violations (economic, social and cultural rights) (E/CN.4/Sub.2/1995/19).

323. Also at the same meeting, Mr. Despouy, Special Rapporteur, introduced the eighth annual report and list of States which, since 1 January 1985, have proclaimed, extended or terminated a state of emergency (E/CN.4/Sub.2/1995/20 and Corr.1).

324. At the 29th meeting, on 21 August 1995, Mr. Joinet introduced the report of the sessional working group on the administration of justice and the question of compensation (E/CN.4/Sub.2/1995/16 and Corr.1).

325. In the general debate on the item, statements [1]/ were made by the following members of the Sub-Commission: Ms. Chavez (28th), Mr. Eide (28th), Mr. Fan Guoxiang (25th), Mr. Joinet (29th), Mr. Yimer (28th).

326. Statements were made by the observers for Albania (29th), Colombia (25th), Haiti (29th), Pakistan (29th), Peru (29th), the Philippines (29th) and the former Yugoslav Republic of Macedonia (28th).

327. A statement was made by the representative of the United Nations Crime Prevention and Criminal Justice Branch (25th).

328. The Sub-Commission also heard statements by the representatives of the following non-governmental organizations: Afro-Asian People's Solidarity Organization (28th), All Pakistan Women's Association (25th), American Association of Jurists (25th), Andean Commission of Jurists (28th), Centre Europe-Tiers Monde (28th), France-Libertés: Fondation Danielle Mitterrand (25th), Freedom House (28th), Habitat International Coalition (28th), International Association Against Torture (28th), International Association of Educators for World Peace (28th), International Commission of Jurists (25th), International Educational Development, Inc. (28th), International Federation of Human Rights (25th), International Federation of University Women (28th), International Fellowship of Reconciliation (28th), International Institute for Non-Aligned Studies (28th), International League for Human Rights (28th), International League for the Rights and Liberation of Peoples (28th), International Movement Against All Forms of Discrimination and Racism (28th), International Movement ATD Fourth World (28th), International Prison Watch (25th), Latin American Federation of Associations of Relatives of Disappeared Detainees (28th), Liberation (25th), Movement Against Racism for Friendship Among Peoples (25th), Muslim World League (25th), Pax Christi (28th), Pax Romana (25th), World Organization Against Torture (28th), World Society of Victimology (28th), World University Service (28th).

329. Statements equivalent to a right of reply were made by the observers for: Bahrain (29th), Bangladesh (29th), China (28th), Cuba (29th), Democratic People's Republic of Korea (29th), Greece (29th), Mexico (29th), Republic of Korea (29th), Sudan (29th), Turkey (29th), Viet Nam (29th).

330. At the 29th meeting, on 21 August 1995, Mr. Despouy made his concluding remarks.

331. At the same meeting, Mr. Guissé made his concluding remarks.

332. Also at the same meeting, Mr. Joinet made his concluding remarks.

Question of human rights and states of emergency

333. At the 35th meeting, on 24 August 1995, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1995/L.46 sponsored by Mr. Bengoa, Mr. Bossuyt, Ms. Daes, Mr. Eide, Mr. El-Hajjé, Mr. Fan Guoxiang, Ms. Forero Ucros, Mr. Guissé, Mr. Hakin, Mr. Joinet, Mr. Khalil, Ms. Palley, Mr. Ramadhane, Ms. Warzazi and Mr. Yimer.

334. The draft resolution was adopted without a vote.

335. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/33.

The amnesty law in Peru

336. At the 35th meeting, on 24 August 1995, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1995/L.47 sponsored by Mr. Bossuyt, Ms. Chavez, Mr. Eide, Mr. Guissé, Ms. Gwanmesia and Mr. Joinet, which read as follows:

"The amnesty law in Peru

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling the provisions relating to amnesty in the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights in 1993,

Having been informed of the adoption, by the Congress of the Republic of Peru, of the Act of 15 June 1995, which grants a general amnesty to public employees for acts committed between May 1980 and the date of promulgation of that Act,

Recalling the relevant provisions of the International Covenant on Civil and Political Rights ratified by Peru, notably those which concern the right to justice and, where appropriate, reparation,

Recalling the comments of the Human Rights Committee of 29 and 30 March 1993 relating to amnesty (CCPR/C/79/Add.19),

Recalling that, pursuant to the principle established by article 55 of the Peruvian Constitution, namely that treaties concluded by the State which have entered into force form part of national law, the fourth final and transitional provision of the Constitution stipulates, for the benefit of magistrates, that enactments relating to the rights and freedoms recognized by the Constitution shall be interpreted in conformity with the Universal Declaration of Human Rights and the international treaties and agreements in this sphere ratified by Peru,

1. Urges the competent Peruvian authorities to take the necessary measures to permit implementation of the aforesaid Act compatible with the international treaties to which Peru is a party and, specifically, the International Covenant on Civil and Political Rights;

2. Invites the Government of Peru to accelerate the implementation of measures to render the administration of justice more effective, such as the establishment by Congress, on 8 August 1995, of the Office of the Ombudsman."

337. A statement relating to the draft resolution was made by Mr. Joinet, who proposed that consideration of draft resolution E/CN.4/Sub.2/1995/L.47 should be postponed until the forty-eighth session of the Sub-Commission, and orally proposed a draft statement by the Chairman.

338. At the same meeting, the members of the Sub-Commission approved those proposals. The statement of the Chairman reads as follows:

> "During the consideration of draft resolution E/CN.4/Sub.2/1995/L.47 relating to the amnesty law adopted on 14 June 1995 in Peru, the Sub-Commission took note with concern of the letter of 1 August 1995 in which the Special Rapporteurs of the Commission on Human Rights on torture and on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the independence of the judiciary and lawyers, and the Chairman of the Working Group on Enforced or Involuntary Disappearances expressed to the Peruvian authorities their deepest reservations as to the effects of both the amnesty law and its interpretative law on impunity.
>
> The Sub-Commission, lending its support to the initiative taken by the Special Rapporteurs and Chairman mentioned above, decided to postpone consideration of the draft resolution E/CN.4/Sub.2/1995/L.47 until the forty-eighth session under agenda item 4".

Question of the impunity of perpetrators of violations of human rights (economic, social and cultural rights)

339. At the 35th meeting, on 24 August 1995, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1995/L.56 sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Ms. Chavez, Mr. El-Hajjé, Mr. Guissé, Ms. Gwanmesia, Mr. Hakin, Mr. Joinet, Mr. Khalil, Ms. Palley, Mr. Ramadhane, Ms. Warzazi and Mr. Yimer.

340. The draft resolution was adopted without a vote.

341. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/34.

Question of the impunity of perpetrators of violations of human rights (civil and political rights)

342. At the 35th meeting, on 24 August 1995, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1995/L.57, sponsored by Ms. Chavez, Mr. Chernichenko, Mr. Eide, Mr. El-Hajjé, Mr. Guissé, Mr. Hatano, Ms. Koufa and Ms. Mbonu. Mr. Bossuyt and Mr. Boutkevitch subsequently joined the sponsors.

343. A statement relating to the draft resolution was made by Mr. Joinet.

344. The draft resolution was adopted without a vote.

345. For the text of the resolution as adopted, see chapter II, Section A, resolution 1995/35.

The right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms

346. At the 35th meeting, on 24 August 1995, Mr. Joinet on behalf of Mr. Chernichenko, Mr. Guissé, Ms. Gwanmesia and Mr. Zhong Shukong, orally proposed a draft decision on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms.

347. The draft decision was adopted without a vote.

348. For the text as adopted, see chapter II, section B, decision 1995/117.

XII. THE IMPLEMENTATION OF THE HUMAN RIGHTS OF WOMEN

349. The Sub-Commission considered item 11 together with item 7 (see chap. VIII) at its 21st, 22nd and 35th meetings, on 15, 16 and 24 August 1995.

350. The Sub-Commission had before it the following documents in connection with its consideration of the item:

> The integration of the human rights of women and the girl child into the activities of the United Nations system. Report of the Secretary-General prepared in accordance with Sub-Commission resolution 1994/43 (E/CN.4/Sub.2/1995/22);
>
> Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1995/NGO/44);
>
> Report of the Secretary-General: Steps to be taken by the Division for the Advancement of Women to ensure that relevant human rights mechanisms of the United Nations regularly address violations of the rights of women; including progress in preparing a joint work plan on women's human rights for the Centre for Human Rights and the Division for the Advancement of Women (E/CN.6/1995/13).

351. In the general debate on item 11, statements 1/ were made by the following members of the Sub-Commission: Mr. Eide (22nd), Ms. Gwanmesia (23rd), Mr. Lindgren Alves (22nd), Ms. Warzazi (21st).

352. Statements were made by the observers for Bangladesh (22nd), Iraq (22nd), the Philippines (22nd) and The former Yugoslav Republic of Macedonia (22nd).

353. At the 21st meeting, on 15 August 1995, a statement was made by the observer for the World Health Organization.

354. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: American Association of Jurists (21st), Centre Europe - Tiers Monde (21st), Habitat International Coalition (21st), International Association of Democratic Lawyers (21st), International Commission of Jurists (21st), International Federation of Human Rights (21st), International Institute for Non-Aligned Studies (21st), International League for Human Rights (21st), International Movement Against All Forms of Discrimination and Racism (21st).

355. The Sub-Commission also heard a statement by the International Council of Jewish Women on behalf of the following non-governmental organizations: All India Women's Conference, Inter-African Committee on Traditional Practices Affecting the Health of Women and Children, International Abolitionist Federation, International Alliance of Women, International Fellowship of Reconciliation, International Movement Against All Forms of Discrimination and Racism, Lutheran World Federation, National Council of German Women's

Organizations, World Federation of Methodist Women, World Union of Catholic Women's Organizations, World Young Women's Christian Association, Zonta International (21st).

356. A joint statement was also made by the United Towns Agency for North-South Cooperation and the International Association of Educators for World Peace (21st).

Implementation of the human rights of women and the girl child

357. At the 35th meeting, on 24 August 1995, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1995/L.41, sponsored by Mr. Alfonso Martínez, Mr. Ali Khan, Mr. Bengoa, Mr. Boutkevitch, Ms. Chavez, Mr. Chernichenko, Mr. Decaux, Mr. Eide, Mr. El-Hajjé, Ms. Forero Ucros, Mr. Genot, Mr. Guissé, Ms. Gwanmesia, Mr. Hakin, Mr. Hatano, Mr. Khalifa, Mr. Lingren Alves, Ms. Mbonu, Ms. Palley, Mr. Ramadhane, Ms. Warzazi, Mr. Yimer and Mr. Zhong Shukong. Ms. Daes subsequently joined the sponsors.

358. Ms. Warzazi revised the text of the draft resolution by adding a new operative paragraph 4.

359. The draft resolution, as revised, was adopted without a vote.

360. For the text as adopted see chapter II, section A, resolution 1995/26.

XIII. ELIMINATION OF ALL FORMS OF INTOLERANCE AND DISCRIMINATION BASED ON RELIGION OR BELIEF

361. The Sub-Commission considered item 12 at its 28th and 34th meetings, held on 21 and 24 August 1995.

362. The Sub-Commission had before it the following documents in connection with its consideration of the item:

> Note verbale dated 9 June 1995 from the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1995/40);
>
> Note verbale dated 8 August 1995 from the Permanent Mission of the Republic of Albania to the United Nations Office at Geneva addressed to the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1995/46 and Corr.1);
>
> Written statement submitted by International Educational Development, Inc., a non-governmental organization on the Roster (E/CN.4/Sub.2/1995/NGO/47).

363. In the general debate on item 12, statements 1/ were made by Ms. Chavez (28th) and Mr. Fan (34th).

364. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: Freedom House (34th), Indigenous World Association (34th), International Association of Jewish Lawyers and Jurists (34th), International Committee for European Security and Co-operation (34th), International Federation of Human Rights (34th), International Movement Against All Forms of Discrimination and Racism (34th), International Organization for the Development of Freedom of Education (34th), Liberation (34th), Pax Christi International (34th), World Federation of United Nations Associations (34th).

365. A statement equivalent to a right of reply was made by the observer for Viet Nam (34th).

XIV. INTERNATIONAL PEACE AND SECURITY AS AN ESSENTIAL CONDITION FOR THE ENJOYMENT OF HUMAN RIGHTS, ABOVE ALL THE RIGHT TO LIFE

366. The Sub-Commission considered item 13 at its 16th to 19th, 27th, 28th, 34th and 35th meetings, on 11, 14, 18, 21 and 24 August 1995.

367. In connection with this item, the Sub-Commission had before it the following documents:

> Written statement submitted by the observer for New Zealand on 14 August 1995;
>
> Supplementary working paper on the interrelationship between human rights and international peace prepared by Mr. Murlidhar Bhandare pursuant to Sub-Commission resolution 1989/47 (E/CN.4/Sub.2/1994/29).

368. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Bengoa (16th), Mr. Chernichenko (18th), Mr. Eide (18th), Mr. Fan Guoxiang (28th), Mr. Lindgren Alves (18th), Ms. Palley (16th), Mr. Yimer (16th).

369. Statements were made by the observers for Armenia (18th), Australia (18th), Chile (19th), Colombia (19th), New Zealand (18th) and Peru (19th).

370. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: International Association of Educators for World Peace (18th), International Educational Development, Inc. (18th), International Institute for Non-Aligned Studies (17th), International Islamic Federation of Student Organizations (18th), International League for Human Rights (18th), International League for the Rights and Liberation of Peoples (18th), International Work Group for Indigenous Affairs (18th), Pax Romana (18th), Society for Threatened Peoples (18th), United Towns Agency for North-South Cooperation (18th), World Muslim Congress (18th).

371. Statements equivalent to a right of reply were made by the observers for: Afghanistan (19th), Armenia (18th), Azerbaijan (18th), India (17th), Pakistan (17th).

Nuclear tests and the enjoyment of human rights, above all the right to life

372. At the 27th meeting, on 18 August 1995, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1995/L.22, sponsored by Mr. Bengoa, Ms. Koufa and Mr. Hatano, which read as follows:

"Nuclear tests and the enjoyment of human rights, above all the right to life

The Sub-Commission on prevention of discrimination and protection of minorities, *Bearing in mind* that its main aim is to contribute with the United Nations system to the full enjoyment of human rights, especially the maintenance and steady improvement of conditions for world peace, the right to life, health, security and the preservation of the environment, in particular of civil populations,

Deeply concerned by the French Government's announcement that it will be carrying out nuclear tests in the Pacific Ocean, at the Mururoa Atoll,

Also concerned by the fact that other countries are continuing the practice of nuclear tests and that the arms race is not being halted once and for all and disarmament is not becoming a reality,

Taking note of the widespread criticism and indignation aroused by this decision in many parts of the world, particularly among the populations of the countries and territories situated in the Pacific Ocean, who will be affected by the consequences of activities of this kind which can be neither measured nor evaluated,

Considering that there are many civil populations and indigenous peoples in the Pacific area who will be affected by these nuclear activities,

Taking into account the draft United Nations Declaration on the Rights of Indigenous Peoples, adopted by the Sub-Commission in its resolution 1994/46 of 26 August 1994, which clearly expresses the desire of this collegiate body of experts that areas inhabited by indigenous peoples should be demilitarized and that no nuclear tests of this kind should be carried out therein,

Recognizing that the carrying out of nuclear tests in an area far from the country itself and close to other populations unconnected with the interests of that State is a form of discrimination and of disregard for the health and environment of the people living there,

Considering that there are no valid or moral reasons of any kind to justify such nuclear tests and to ignore the present policy of nuclear disarmament,

1. *Requests* the Secretary-General to transmit immediately to the Government of France the text of this resolution;

2. *Informs* the Government of France and others that are preparing tests of this kind that the Sub-Commission considers that such nuclear tests are a violation of the human rights of the persons living in those areas in particular and of the rights of their indigenous peoples, and that in general they violate the rights of all persons who in one way or another are threatened by such practices;

3. *Clearly recognizes* the right of groups, non-governmental organizations and private associations concerned with human rights, the

environment and disarmament, the peoples of the countries affected and, in general, all institutions including Governments to protest and stage all kinds of peaceful demonstrations with the aim of halting these tests;

4. Resolves that these nuclear tests should be immediately and permanently discontinued;

5. Requests the Commission on Human Rights to appoint a Special Rapporteur to study in the field and monitor the effects and consequences of these tests on civil populations and indigenous peoples, particularly as regards their life, health and environment;

6. Decides to transmit this resolution immediately to the Secretary-General with the request that he send it to Governments and give it maximum publicity."

373. At the same meeting, Ms. Palley submitted written amendments to the draft resolution, contained in document E/CN.4/Sub.2/1995/L.29, which read as follows:

"Nuclear tests and the enjoyment of human rights, especially the right to life

1. After the first preambular paragraph, insert the following new preambular paragraphs:

'Recalling the suffering and long-term deleterious effects earlier inflicted on human beings and the environment as a result of previous nuclear explosions or tests conducted by several Governments at various times in the Pacific area, notably in Japan, on atolls or islands in the Pacific basin and also in central and eastern parts of the former Soviet Union, in the United States of America, in Australia and in secret underground tests by States at various other locations in the world,

Deploring the fact that, despite the decision adopted without a vote on 12 May 1995 by the Review Conference on the Non-Proliferation Treaty that until the entry into force of a complete and comprehensive nuclear test ban nuclear Powers should exercise the utmost restraint, the People's Republic of China conducted nuclear tests on 15 May 1995, only three days after the adoption of the decision,'

2. In the existing third preambular paragraph, in line 2, after the word 'tests', insert the following text:

', that there is reliable information that the People's Republic of China is reportedly about to conduct two nuclear tests in the forthcoming month'

> 3. In operative paragraph 5, in lines 1 and 2, delete 'appoint a Special Rapporteur' and substitute 'requests the Special Rapporteur on toxic wastes and the environment'."

374. At the proposal of Mr. Chernichenko, Mr. Fan Guoxiang and Mr. Guissé, the Sub-Commission decided to postpone consideration of the draft resolution and the proposed amendments thereto.

375. At the 34th meeting, on 24 August 1995, the Sub-Commission resumed consideration of draft resolution E/CN.4/Sub.2/1995/L.22 and the amendments thereto contained in document E/CN.4/Sub.2/1995/L.29.

376. At the same meeting, statements relating to the draft resolution and the amendments were made by Mr. Bengoa, Mr. Guissé, Mr. Hatano, Ms. Mbonu, Ms. Palley and Ms. Warzazi.

377. Also at the same meeting, Ms. Palley orally revised her amendments contained in document E/CN.4/Sub.2/1995/L.29 as follows:

(i) Add, at the end of the second of the proposed new preambular paragraphs, the words "and again on 17 August 1995",

(ii) Replace, in the amendment to the existing third preambular paragraph the words "two nuclear tests" with the words "another nuclear test".

378. Ms. Warzazi made the following oral amendments to draft resolution E/CN.4/Sub.2/1995/L.22:

(i) Add, at the end of the third preambular paragraph, the words "contrary to the appeals of the international community, which considers that the resources deriving from disarmament should be applied to the development of all countries, particularly the developing countries";

(ii) Replace, in operative paragraph 5, the words "of these tests on civil populations and indigenous peoples" with the words "of nuclear tests on civil populations in the regions where those tests take place".

379. At the 35th meeting, on 24 August 1995, statements relating to draft resolution E/CN.4/Sub.2/1995/L.22 and to the amendments contained in document E/CN.4/Sub.21/1995/L.29 were made by Mr. Ali Khan, Mr. Bengoa, Mr. Bossuyt, Ms. Chavez, Mr. Chernichenko, Mr. Eide, Mr. El-Hajjé, Mr. Fan Guoxiang, Mr. Guissé, Ms. Gwanmesia, Mr. Joinet, Mr. Khalil, Ms. Koufa, Mr. Lindgren Alves, Ms. Palley and Mr. Yimer.

380. Mr. Joinet orally sub-amended the amendments contained in document E/CN.4/Sub.2/1995/L.29 by inserting in the first of the proposed new preambular paragraphs, after the words "in Australia", the phrase "and during this session in the area of Sinkiang".

381. In accordance with article 54 of the Rules of Procedure of the Functional Commissions of the Economic and Social Council, Mr. Guissé proposed a motion that the Sub-Commission was not competent to consider the subject matter of draft resolution E/CN.4/Sub.2/1995/L.22.

382. Statements in connection with the proposed motion were made by Mr. Bossuyt, Mr. Fan Guoxiang and Mr. Yimer.

383. The motion was rejected by 7 votes to 11, with 3 abstentions.

384. In accordance with article 65 (2) of the Rules of Procedure of the Functional Commissions of the Economic and Social Council, Mr. Hakim proposed a motion that no decision be taken on draft resolution E/CN.4/Sub.2/1995/L.22.

385. The motion was adopted by 11 votes to 7, with 3 abstentions.

386. Statements in explanation of vote after the vote were made by Mr. Bengoa, Mr. Fan Guoxiang, Mr. Guissé, Ms. Gwanmesia, Mr. Joinet and Ms. Palley.

XV. DISCRIMINATION AGAINST INDIGENOUS PEOPLES

387. The Sub-Commission considered item 14 at its 29th, 33rd, 34th, 35th and 36th meetings, on 21, 22, 23, 24 and 25 August 1995.

388. The Sub-Commission had before it the following documents in connection with its consideration of the item:

> Report of the Working Group on Indigenous Populations on its thirteenth session (E/CN.4/Sub.2/1995/24);
>
> Report of the Secretary-General (E/CN.4/Sub.2/1995/25);
>
> Protection of the heritage of indigenous people. Final report of the Special Rapporteur, Ms. Erica-Irene Daes, in conformity with Sub-Commission resolution 1993/44 and decision 1994/105 of the Commission on Human Rights (E/CN.4/Sub.2/1995/26);
>
> Study on treaties, agreements and other constructive arrangements between States and indigenous populations. Second progress report submitted by the Special Rapporteur, Mr. Miguel Alfonso Martínez (E/CN.4/Sub.2/1995/27);
>
> Written statement by the International Human Rights Association of American Minorities, a non-governmental organization on the Roster (E/CN.4/Sub.2/1995/NGO/14).

389. At the 29th meeting, on 21 August 1995, Ms. Daes, Chairperson-Rapporteur of the Working Group on Indigenous Populations, introduced the report of the Working Group on its thirteenth session (E/CN.4/Sub.2/1995/24).

390. At the 33rd meeting, on 23 August 1995, Mr. Alfonso Martínez introduced his second progress report on treaties concluded between indigenous peoples and States (E/CN.4/Sub.2/1995/27).

391. At the same meeting, Ms. Daes, Special Rapporteur, introduced her final report on the protection of the heritage of indigenous people (E/CN.4/Sub.2/1995/26).

392. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (29th and 34th), Mr. Bengoa (34th), Mr. Boutkevitch (34th), Ms. Daes (33rd and 34th), Mr. Eide (34th), Mr. Hakim (34th), Mr. Hatano (29th), Ms. Warzazi (34th).

393. Statements were made by the observers for Brazil (34th), Chile (33rd), Colombia (33rd), Denmark (33rd), New Zealand (33rd) and Peru (33rd).

394. At the 29th meeting, on 21 August 1995, the observer for the International Labour Organization made a statement.

395. The Sub-Commission also heard statements by the representatives of the following non-governmental organizations: Asian Buddhists Conference for Peace (33rd), Centre Europe-Tiers Monde (33rd), Indigenous World Association (33rd), International Committee for European Security and Co-operation (33rd), Minority Rights Group (33rd), Liberation (33rd), International Movement against all Forms of Discrimination and Racism (29th), Movement against Racism and for Friendship among Peoples (33rd), Pax Romana (29th), Saami Council (29th).

396. Statements equivalent to a right of reply were made by the observers for Bangladesh (34th) and Japan (34th).

397. At the 34th meeting, on 24 August 1995, Ms. Daes, Special Rapporteur, made her concluding remarks.

United Nations Voluntary Fund for Indigenous Populations

398. At the 35th meeting, on 24 August 1995, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1995/L.48 sponsored by Mr. Bengoa, Mr. Boutkevitch, Mr. Chernichenko, Ms. Daes, Mr. Eide, Mr. El-Hajjé, Mr. Hatano and Ms. Mbonu. Ms. Gwanmesia subsequently joined the sponsors.

399. A statement was made by Ms. Daes in connection with the draft resolution.

400. The draft resolution was adopted without a vote.

401. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/36.

International Decade of the World's Indigenous People

402. At the 35th meeting, on 24 August 1995, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1995/L.49 sponsored by Mr. Bengoa, Mr. Boutkevitch, Mr. Chernichenko, Ms. Daes, Mr. Eide, Mr. El-Hajjé, Mr. Hatano and Ms. Mbonu.

403. A statement was made by Ms. Daes in connection with the draft resolution.

404. The draft resolution was adopted without a vote.

405. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/37.

Discrimination against indigenous peoples

406. At the 35th meeting, on 24 August 1995, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1995/L.50 sponsored by Mr. Bengoa, Mr. Boutkevitch, Mr. Chernichenko, Ms. Daes, Mr. Eide, Mr. El-Hajjé, Mr. Hatano and Ms. Mbonu.

407. A statement was made by Ms. Daes in connection with the draft resolution.

408. The draft resolution was adopted without a vote.

409. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/38.

Permanent forum in the United Nations for indigenous people

410. At the 35th meeting, on 24 August 1995, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1995/L.51, sponsored by Mr. Bengoa, Mr. Boutkevitch, Mr. Chernichenko, Ms. Daes, Mr. El-Hajjé, Mr. Hatano and Ms. Mbonu.

411. A statement was made by Ms. Daes in connection with the draft resolution.

412. The draft resolution was adopted without a vote.

413. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/39.

Study on treaties, agreements and other constructive arrangements between States and indigenous populations

414. At the 35th meeting, on 24 August 1995, the Sub-Commission considered draft decision E/CN.4/Sub.2/1995/L.55 sponsored by Mr. Bengoa, Mr. Boutkevitch, Ms. Daes, Mr. El-Hajjé, Mr. Hatano and Ms. Mbonu.

415. A statement was made by Ms. Daes in connection with the draft decision.

416. The draft decision was adopted without a vote.

417. For the text of the decision as adopted, see chapter II, section B, decision 1995/118.

Protection of the heritage of indigenous people

418. At the 35th and 36th meetings, on 24 and 25 August 1995, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1995/L.60 sponsored by Mr. Alfonso Martínez, Mr. Ali Khan, Mr. Bengoa, Mr. Hatano, Mr. Khalil, Ms. Mbonu, Mr. Ramadhane, Ms. Warzazi and Mr. Yimer.

419. At the 36th meeting, statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Mr. Bengoa, Mr. Bossuyt, Mr. Chernichenko, Ms. Daes, Mr. Eide, Mr. El-Hajjé, Ms. Palley and Ms. Warzazi.

420. The draft resolution was adopted without a vote.

421. For the text of the resolution, as adopted, see chapter II, section A, resolution 1995/40.

Composition of the Working Group on Indigenous Populations

422. At its 36th meeting, on 25 August 1995, the Sub-Commission decided on the composition of its Working Group on Indigenous Populations that would meet prior to its forty-eighth session. For the composition of the Working Group, see chapter II, section B, decision 1995/119.

XVI. CONTEMPORARY FORMS OF SLAVERY

423. The Sub-Commission considered item 15 together with item 16 (see chap. XVII) at its 15th to 17th, 21st, 27th and 36th meetings, on 10, 11, 15, 18 and 25 August 1995.

424. In connection with its consideration of the item, the Sub-Commission had before it the following documents:

> Report of the Working Group on Contemporary Forms of Slavery on its twentieth session (E/CN.4/Sub.2/1995/28 and Add.1);
>
> Report of the Secretary-General on the implementation of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography, submitted pursuant to Sub-Commission resolution 1994/5 (E/CN.4/Sub.2/1995/29 and Add.1);
>
> Working paper on the situation of systematic rape, sexual slavery and slavery-like practices during wartime, including internal armed conflict, submitted by Ms. Linda Chavez in accordance with Sub-Commission decision 1994/109 (E/CN.4/Sub.2/1995/38);
>
> Note by the Secretariat (E/CN.4/Sub.2/1995/39);
>
> Written statement by Human Rights Watch, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1995/NGO/12);
>
> Written statement submitted by Human Rights Advocates, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1995/NGO/33).

425. At the 15th meeting, on 10 August 1995, Mr. Maxim, the Chairman-Rapporteur of the Working Group on Contemporary Forms of Slavery, introduced the report of the Working Group (E/CN.4/Sub.2/1995/28 and Add.1).

426. Also at the 15th meeting, Ms. Chavez introduced her working paper on the situation of systematic rape, sexual slavery and slavery-like practices during wartime, including internal armed conflict (E/CN.4/Sub.2/1995/38).

427. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Ms. Chavez (15th, 17th), Mr. Fan Guoxiang (17th), Ms. Forero Ucros (16th), Ms. Gwanmesia (16th, 17th), Mr. Hatano (15th), Mr. Lindgren Alves (16th, 17th), Ms. Mbonu (15th), Ms. Palley (15th, 17th), Ms. Warzazi (16th), Mr. Yimer (15th).

428. Statements were made by the observers for Bangladesh (17th), Brazil (17th), Democratic People's Republic of Korea (17th), Iran (Islamic Republic of) (17th), Iraq (17th), Japan (15th), Pakistan (17th) and the Republic of Korea (17th).

429. The Sub-Commission also heard statements by the representatives of the following non-governmental organizations: African Association of Education

for Development (16th), African Health and Human Rights Promoters Commission (16th), Anti-Slavery International (17th), Centre Europe-Tiers Monde (17th), Commission of the Churches on International Affairs of the World Council of Churches (16th), International Association against Torture (17th), International Association of Democratic Lawyers (16th), International Association of Educators for World Peace (17th) International Catholic Child Bureau (17th), International Commission of Jurists (16th), International Educational Development, Inc. (16th), International Federation of University Women (17th), International Fellowship of Reconciliation (17th), International Human Rights Association of American Minorities (16th), International Institute for Non-Aligned Studies (16th), International League for the Rights and Liberation of Peoples (17th), International Movement against all Forms of Discrimination and Racism (16th), Liberation (16th), Pax Romana (16th), World Federation of Democratic Youth (17th).

430. A joint statement was made by the International Abolitionist Federation on behalf of the International Alliance of Women - Equal Rights, Equal Responsibilities, the International Federation of Social Workers and the International Federation of University Women (16th).

431. Statements equivalent to a right of reply were made by the observers for Brazil (17th), China (17th) and the Netherlands (17th).

432. At the 17th meeting, on 11 August 1995, the Chairman-Rapporteur of the Working Group on Contemporary Forms of Slavery made his concluding remarks.

433. At the same meeting, Ms. Chavez made a statement.

Systematic rape and sexual slavery during periods of armed conflict

434. At the 27th meeting, on 18 August 1995, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1995/L.20, sponsored by Mr. Ali Khan, Ms. Attah, Mr. Bengoa, Mr. Bossuyt, Mr. Boutkevitch, Mr. Chernichenko, Mr. Eide, Mr. El-Hajjé, Ms. Ferriol Echevarría, Ms. Ferero Ucros, Mr. Guissé, Ms. Gwanmesia, Mr. Hakim, Mr. Hatano, Mr. Khalifa, Ms. Koufa, Mr. Lindgren Alves, Ms. Palley, Mr. Ramadhane, Ms. Warzazi and Mr. Yimer. Mr. Fan Guoxiang subsequently joined the sponsors.

435. A statement relating to the draft resolution was made by Ms. Palley.

436. The draft resolution was adopted without a vote.

437. For the text of the resolution, see chapter II, section A, resolution 1995/14.

United Nations Trust Fund on Contemporary Forms of Slavery

438. At the 27th meeting, on 18 August 1995, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1995/L.25, sponsored by Ms. Chavez, Ms. Ferriol Echevarría, Mr. Hakim, Ms. Koufa, Mr. Maxim, Ms. Palley, Ms. Warzazi and Mr. Yimer.

439. The draft resolution was adopted without a vote.

440. For the text of the resolution, see chapter II, section A, resolution 1995/15.

Report of the Working Group on Contemporary Forms of Slavery

441. At the 27th meeting, on 18 August 1995, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1995/L.26, sponsored by Mr. Chernichenko, Mr. Eide, Mr. El-Hajjé, Mr. Fan Guoxiang, Ms. Forero Ucros, Ms. Gwanmesia, Mr. Hakim, Mr. Joinet, Ms. Koufa, Mr. Maxim, Ms. Warzazi and Mr. Yimer.

442. Ms. Warzazi revised the draft resolution by adding, in operative paragraph 39, after the words "the Government of Japan", the words "to the Working Group and the Sub-Commission at its forty-seventh session".

443. Statements in connection with the draft resolution were made by Ms. Chavez, Mr. Hatano, Mr. Lindgren Alves and Ms. Palley.

444. The draft resolution, as revised, was adopted without a vote.

445. For the text as adopted, see chapter II, section A, resolution 1995/16.

Draft programme of action on the traffic in persons and the exploitation of the prostitution of others

446. At the 27th meeting, on 18 August 1995, the Sub-Commission considered draft decision E/CN.4/Sub.2/1995/L.27, sponsored by Mr. Boutkevitch, Mr. Chernichenko, Mr. Eide, Mr. El-Hajjé, Mr. Fan Guoxiang, Ms. Gwanmesia, Mr. Khalifa, Ms. Koufa, Mr. Maxim, Ms. Palley, Ms. Warzazi and Mr. Yimer. Mr. Guissé subsequently joined the sponsors.

447. A statement in connection with the draft decision was made by Mr. Lindgren Alves.

448. The draft decision was adopted without a vote.

449. For the text as adopted, see chapter II, section B, decision 1995/109.

Composition of the Working Group on Contemporary Forms of Slavery

450. At its 36th meeting, on 25 August 1995, the Sub-Commission decided on the composition of its Working Group on Contemporary Forms of Slavery that would meet prior to its forty-eighth session. For the composition of the Working Group, see chapter II, section B, decision 1995/119.

XVII. PROMOTION, PROTECTION AND RESTORATION OF HUMAN RIGHTS AT NATIONAL, REGIONAL AND INTERNATIONAL LEVELS

(a) Prevention of discrimination and protection of children: human rights and youth

(b) Human rights and disability

451. The Sub-Commission considered item 16 together with item 15 (see chap. XVI) at its 15th to 17th, 21st and 27th meetings, held on 10, 11, 15 and 18 August 1995.

452. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Situation of children deprived of their liberty. Note by the Secretary-General prepared pursuant to Sub-Commission resolution 1994/9 (E/CN.4/Sub.2/1995/30 and Add.1);

Human rights and disability. Note by the Secretary-General prepared pursuant to Sub-Commission resolution 1994/10 (E/CN.4/Sub.2/1995/31);

Letter dated 3 July 1995 from the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1995/42);

Written statement submitted by the American Association of Jurists, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1995/NGO/10);

Joint written statement submitted by the International League for the Rights and Liberation of Peoples, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1995/NGO/30);

Written statement submitted by the International League for the Rights and Liberation of Peoples, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1995/NGO/31).

453. In the general debate on item 16, statements 1/ were made by the following members of the Sub-Commission: Ms. Forero Ucros (16th), Mr. Guissé (16th).

454. Statements were made by the observers for Afghanistan (17th), Bangladesh (17th) and Uruguay (17th).

455. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: African Health and Human Rights Promoters Commission (16th), Indigenous World Association (16th), International Association of Educators for World Peace (17th), International Association of Lawyers against Nuclear Arms (16th), International Committee for European Security and Co-operation (16th), International Educational

Development, Inc. (16th), International League for Human Rights (16th), Pax Christi International (16th), World Federation of Democratic Youth (17th), World Organization against Torture (16th).

456. The Sub-Commission also heard a joint statement by the International Council of Jewish Women on behalf of the following non-governmental organizations: All India Women's Conference, Inter-African Committee on Traditional Practices Affecting the Health of Women and Children, International Abolitionist Federation, International Alliance of Women, International Fellowship of Reconciliation, International Movement against All Forms of Discrimination and Racism, Lutheran World Federation, National Council of German Women's Organizations, World Federation of Methodist Women, World Union of Catholic Women's Organizations, World Young Women's Christian Association, Zonta International (21st).

457. A joint statement was also made by World University Service and the International Organization for the Development of Freedom of Education (16th).

Human rights and disability

458. At its 27th meeting, on 18 August 1995, the Sub-Commission had before it the draft resolution E/CN.4/Sub.2/1995/L.23, sponsored by Mr. Alfonso Martinez, Mr. Ali Khan, Mr. Chernichenko, Mr. Eide, Mr. El-Hajjé, Mr. Fan Guoxiang, Mr. Genot, Mr. Guissé, Ms. Gwanmesia, Mr. Hakim, Mr. Hatano, Mr. Khalifa, Ms. Koufa, Mr. Lindgren Alves, Ms. Mbonu, Ms. Warzazi and Mr. Yimer.

459. The draft resolution was adopted without a vote.

460. For the text of the resolution, see chapter II, section A, resolution 1995/17.

XVIII. PROTECTION OF MINORITIES

461. The Sub-Commission considered agenda item 17 together with item 18 (see chap. XIX and item 20 (see chap. XXI) at its 9th to 11th and 13th to 15th and 36th meetings, on 7, 8, 9, 10 and 25 August 1995.

462. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities. Report of the Secretary-General prepared pursuant to Sub-Commission resolution 1994/4 (E/CN.4/Sub.2/1995/33 and Add.1 and 2);

Enclaved groups. Working paper prepared by Mr. Asbjørn Eide pursuant to Sub-Commission decision 1994/113 (E/CN.4/Sub.2/1995/34);

Note verbale dated 9 June 1995 from the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1995/40);

Note verbale dated 10 August 1995 from the Permanent Mission of the Russian Federation to the United Nations Office at Geneva addressed to the Chairman of the forty-seventh session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1995/44);

Note verbale dated 8 August 1995 from the Permanent Mission of the Republic of Albania to the United Nations Office at Geneva addressed to the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1995/46 and Corr.1);

Written statement submitted by the International Human Rights Association of American Minorities, a non-governmental organization on the Roster (E/CN.4/Sub.2/1995/NGO/6);

Written statement submitted by Human Rights Watch, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1995/NGO/13);

Written statement submitted by the International Human Rights Association of American Minorities, a non-governmental organization on the Roster (E/CN.4/Sub.2/1995/NGO/14);

Written statement submitted by the International Human Rights Association of American Minorities, a non-governmental organization on the Roster (E/CN.4/Sub.2/1995/NGO/15);

Written statement submitted by Pax Romana, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1995/NGO/28);

Written statement submitted by the Consultative Council of Jewish Organizations, a non-governmental organization in consultation status (category II).

463. At the 11th meeting, on 8 August 1995, Mr. Eide introduced his working paper (E/CN.4/Sub.2/1995/34).

464. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Ali Khan (13th), Mr. Boutkevitch (11th), Mr. Chernichenko (13th, 14th), Ms. Daes (11th), Mr. Eide (9th, 11th, 13th), Mr. El-Hajjé (13th), Mr. Fan Guoxiang (10th, 14th), Mr. Hakim (13th), Mr. Hatano (10th), Ms. Palley (11th, 15th).

465. Statements were made by the observers for Afghanistan (14th), Azerbaijan (15th), Cyprus (14th), India (15th), Latvia (14th), Pakistan (15th), the Russian Federation (15th), The former Yugoslav Republic of Macedonia (14th), Turkey (15th) and Ukraine (15th).

466. The Sub-Commission also heard statements by the representatives of the following non-governmental organizations: African Association of Education for Development (13th), African Health and Human Rights Promoters Commission (14th), Baha'i International Community (10th), France-Libertés: Fondation Danielle Mitterrand (13th), Habitat International Coalition (14th), International Association of Democratic Lawyers (13th), International Committee for European Security and Co-operation (10th), International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities (13th), International Human Rights Association of American Minorities (13th), International Institute for Non-Aligned Studies (10th), International League for Human Rights (10th), International League for the Rights and Liberation of Peoples (14th), International Organization for the Development of Freedom of Education (10th), Liberation (10th), Minority Rights Group (10th), Pax Christi International (14th), World Federation of Democratic Youth (13th).

467. A statement was made by the International Association of Democratic Lawyers (13th).

468. Statements equivalent to a right of reply were made by the observers for Albania (15th), China (13th), Cyprus (15th), Ethiopia (13th), Greece (15th), India (15th), Iraq (10th), Israel (16th), Japan (11th), Latvia (15th), Pakistan (13th and 15th) and Turkey (15th).

Composition of the Working Group on Minorities

469. At its 36th meeting, on 25 August 1995, the Sub-Commission decided on the composition of its Working Group on Minorities that would meet prior to its forty-eighth session. For the composition of the Working Group, see chapter II, section B, decision 1995/119.

XIX. FREEDOM OF MOVEMENT

(a) Situation of migrant workers and members of their families

(b) Population displacements

470. The Sub-Commission considered item 18 together with item 17 (see chap. XVIII) and item 20 (see chap. XXI) at its 9th, 10th, 11th, 13th, 14th, 27th and 34th meetings on 7, 8, 9, 18 and 24 August 1995.

471. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Note by the Secretary-General (E/CN.4/Sub.2/1995/35);

Written statement submitted by the American Association of Jurists, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1995/NGO/10);

Written statement submitted by the Society for Threatened Peoples, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1995/NGO/16);

Written statement submitted by International Educational Development Inc., a non-governmental organization on the Roster (E/CN.4/Sub.2/1995/NGO/34);

472. In the general debate on item 18, statements [1] were made by the following members of the Sub-Commission: Mr. Bossuyt (11th), Mr. Eide (9th), Mr. Fan Guoxiang (10th), Mr. Hakim (13th), Ms. Mbonu (11th).

473. A statement was made by the observer for Afghanistan (14th).

474. A statement was made by the observer for the Office of the United Nations High Commissioner for Refugees (10th).

475. Statements equivalent to a right of reply were made by the observers for Bangladesh (11th), China (13th) and Mexico (11th).

476. The Sub-Commission heard statements by the representatives of the following non-governmental organizations: Arab Lawyers Union (13th), Baha'i International Community (10th), Centre Europe-Tiers Monde (13th), France-Libertés: Fondation Danielle Mitterrand (13th), Habitat International Coalition (14th), International Educational Development, Inc. (13th), International Federation of Human Rights (14th), International Islamic Federation of Students Organizations (14th), International League for Human Rights (10th), International League for the Rights and Liberation of Peoples (14th), International Movement against All Forms of Discrimination and Racism (10th), Pax Romana (10th), Regional Council on Human Rights in Asia (10th), World Muslim Congress (10th), World Society of Victimology (10th).

The right to freedom of movement

477. At the 27th meeting, on 18 August 1995, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1995/L.18, sponsored by Mr. Eide, Mr. El-Hajjé, Ms. Palley, Ms. Warzazi and Mr. Yimer. Mr. Guissé and Ms. Gwanmesia subsequently joined the sponsors.

478. Mr. Bossuyt amended operative paragraph 4 by replacing the word "Governments" with the words "States parties to the Convention relating to the Status of Refugees".

479. The draft resolution, as amended, was adopted without a vote.

480. For the text, as adopted, see chapter II, section A, resolution 1995/13.

Human rights dimensions of population transfer, including the implementation of settlers and settlements

481. At the 34th meeting, on 24 August 1995, the Sub-Commission considered draft decision E/CN.4/Sub.2/1995/L.58, sponsored by Mr. Alfonso Martínez, Mr. Ali Khan, Ms. Chavez, Mr. Khalil, Ms. Warzazi and Mr. Yimer.

482. The draft decision was adopted without a vote.

483. For the text, as adopted, see chapter II, section B, decision 1995/111.

XX. IMPLICATIONS OF HUMANITARIAN ACTIVITIES FOR THE ENJOYMENT OF HUMAN RIGHTS

484. The Sub-Commission considered agenda item 19 at its 17th, 18th, 27th and 34th meetings held on 11, 14, 18 and 24 August 1995.

485. In the general debate, statements 1/ were made by the following members of the Sub-Commission: Mr. Chernichenko (18th), Mr. Fan Guoxiang (18th), Mr. Khalifa (18th), Ms. Mbonu (18th), Ms. Palley (18th).

486. The Sub-Commission also heard statements by the representatives of the following non-governmental organizations: American Association of Jurists (17th), International Educational Development, Inc. (18th), Pax Romana (18th).

Question of the implications for human rights of United Nations action, including humanitarian assistance, in addressing international humanitarian problems and in the promotion and protection of human rights

487. At the 27th meeting, on 18 August 1995, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.39, sponsored by Mr. Alfonso Martínez, Mr. Ali Khan, Mr. Boutkevitch, Mr. Eide, Mr. Guissé, Ms. Gwanmesia, Mr. Khalifa, Ms. Koufa, Ms. Mbonu, Ms. Palley, Mr. Ramadhane, Ms. Warzazi and Mr. Yimer.

488. At the proposal of Mr. Eide, the Sub-Commission decided to postpone consideration of the draft resolution.

489. Statements in connection with the draft resolution and the postponement were made by Mr. Alfonso Martínez, Mr. Chernichenko, Mr. Eide, Mr. Fan Guoxiang, Ms. Mbonu, Ms. Palley and Ms. Warzazi.

490. At the 34th meeting, on 24 August 1995, the Sub-Commission resumed consideration of draft resolution E/CN.4/Sub.2/1995/L.39.

491. Ms. Warzazi revised the draft resolution by adding a new seventh preambular paragraph and a new operative paragraph 2.

492. Ms. Mbonu also revised the text by adding a new last preambular paragraph.

493. The draft resolution, as revised, was adopted without a vote.

494. For the text, as adopted, see chapter II, section A, resolution 1995/19.

XXI. COMPREHENSIVE EXAMINATION OF THEMATIC ISSUES RELATING TO RACISM, XENOPHOBIA, MINORITIES AND MIGRANT WORKERS

495. The Sub-Commission considered item 20 together with item 17 (see chap. XVIII) and item 18 (see chap. XIX) at its 9th, 10th, 13th, 14th and 27th meetings, on 7, 9, 10 and 18 August 1995.

496. The Sub-Commission had before it the following documents in connection with its consideration of item 20.

> Written statement submitted by the Consultative Council of Jewish Organizations, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1995/NGO/40);
>
> Working Paper containing suggestions for a comprehensive programme for the prevention of discrimination and protection of minorities prepared by Mr. Asbjørn Eide pursuant to Sub-Commission resolution 1993/43 (E/CN.4/1994/36 and Corr.1).

497. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Ms. Ferriol Echevarría (10th), Mr. Eide (9th), Mr. Hakim (13th).

498. The Sub-Commission also heard statements by the representatives of the following non-governmental organizations: African Health and Human Rights Promoters Commission (14th), Baha'i International Community (10th), International Federation of Human Rights (14th), International Movement against All Forms of Discrimination and Racism (10th).

Comprehensive programme for the prevention of discrimination and protection of minorities

499. At the 27th meeting on 18 August 1995, the Sub-Commission considered draft decision E/CN.4/Sub.2/1995/L.28, sponsored by Mr. El-Hajjé, Ms. Palley, Ms. Warzazi and Mr. Yimer. Mr. Guissé, Ms. Gwanmesia and Ms. Mbonu subsequently joined the sponsors.

500. The draft decision was adopted without a vote.

501. For the text as adopted, see chapter II, section B, decision 1995/110.

XXII. THE FIFTIETH ANNIVERSARY OF THE UNITED NATIONS AND THE SUB-COMMISSION

502. The Sub-Commission considered item 21 at its 17th and 18th meetings, on 11 and 14 August 1995.

503. In the general debate on the item, a statement 1/ was made by Ms. Daes (18th).

504. A statement was made by the observer for Israel (18th).

505. The Sub-Commission also heard statements by the representatives of the following non-governmental organizations: International Islamic Federation of Student Organizations (18th), World Muslim Congress (18th).

XXIII. CONSIDERATION OF THE FUTURE WORK OF THE SUB-COMMISSION AND OF THE DRAFT PROVISIONAL AGENDA FOR THE FORTY-EIGHTH SESSION OF THE SUB-COMMISSION

506. The Sub-Commission considered agenda item 22 at its 36th meeting, on 25 August 1995.

507. In accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII), the Sub-Commission had before it a note by the Secretary-General (E/CN.4/Sub.2/1995/L.1) containing a draft provisional agenda for the forty-eighth session of the Sub-Commission and indicating the documents to be submitted under each item and the legislative authority for their preparation.

508. Statements in connection with the draft provisional agenda were made by Mr. Alfonso Martínez, Mr. Chernichenko, Ms. Daes, Mr. Eide, Mr. El-Hajjé, Ms. Gwanmesia, Ms. Mbonu, Ms. Warzazi and Mr. Yimer.

509. The members of the Sub-Commission took note of the draft provisional agenda.

510. The draft provisional agenda for the forty-eighth session of the Sub-Commission reads as follows:

1. Election of officers.

2. Adoption of the agenda.

3. Review of the work of the Sub-Commission.

   Legislative authority: Commission on Human Rights resolution 1994/23 and Sub-Commission resolutions 5 (XIV), 1992/8 and 1994/32 and decisions 2 (XXXIV), 1995/112, 1995/113, 1995/114 and 1995/115.

4. Review of further developments in fields with which the Sub-Commission has been concerned.

   Legislative authority: Sub-Commission resolutions 1995/20, 1995/21, 1995/22, 1995/26 and decision 1995/116 and the statement of the Chairman of the Sub-Commission of 24 August 1995, made under agenda item 10.

   Documentation:

   (a) Final report of the Special Rapporteur on traditional practices affecting the health of women and children (para. 3 of resolution 1995/20);

(b) Report of the Special Rapporteur on the recognition of gross and large-scale violations of human rights as an international crime (para. 2 of resolution 1995/22) (subject to approval by the Commission of the Special Rapporteur's appointment);

(c) Working paper by Mr. El-Hajjé on democracy and the establishment of a democratic society (decision 1995/116).

5. Elimination of racial discrimination:

(a) Measures to combat racism and racial discrimination and the role of the Sub-Commission.

Legislative authority: Sub-Commission resolutions 1995/12 and 1995/26.

6. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII).

Legislative authority: Sub-Commission resolutions 1995/3, 1995/4, 1995/10, 1995/11, 1995/18, 1995/26 and decision 1995/108.

Documentation:

Note by the Secretary-General on the situation of human rights in the Islamic Republic of Iran (para. 8 of resolution 1995/18).

7. The new international economic order and the promotion of human rights:

(a) The role and equal participation of women in development.

Legislative authority: Sub-Commission resolutions 1987/26, 1989/1 and 1995/26.

Documentation:

(a) Report of the Commission on the Status of Women (resolution 1987/26);

(b) Report of the Committee on the Elimination of Discrimination against Women (resolution 1987/26).

8. The realization of economic, social and cultural rights.

Legislative authority: Sub-Commission resolutions 1995/26, 1995/27, 1995/28, 1995/29, 1995/30, 1995/31 and 1995/34.

Documentation:

(a) Reports of the Secretary-General on the right to adequate housing (para. 10 of resolution 1995/27);

(b) Final report of the Special Rapporteur on human rights and extreme poverty (para. 5 of resolution 1995/28);

(c) Updated report of the Secretary-General on guidelines on international events and forced evictions (para. 10 of resolution 1995/29);

(d) Second progress report of the Special Rapporteur on the relationship between human rights, particularly economic, social and cultural rights, and income distribution (para. 8 of resolution 1995/30);

(e) Report of the Secretary-General on the impact of the activities and working methods of transnational corporations on the full enjoyment of all human rights, in particular economic, social and cultural rights and the right to development (para. 2 of resolution 1995/31);

(f) Final report of the Special Rapporteur on the question of impunity of perpetrators of violations of human rights (economic, social and cultural rights) (para. 2 of resolution 1995/34).

9. Communications concerning human rights: report of the Working Group established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII).

Legislative authority: Economic and Social Council resolution 1503 (XLVIII) and Sub-Commission resolutions 1 (XXIV) and 2 (XXIV).

Documentation:

Confidential report of the Working Group and supporting papers.

10. The administration of justice and the human rights of detainees:

Legislative authority: Sub-Commission resolutions 1995/26 and 1995/35 and decision 1995/117.

Documentation:

(a) Final report of the Special Rapporteur (para. 2 of resolution 1995/35);

(b) Working paper by Mr. van Boven (decision 1995/117).

(a) Question of human rights and states of emergency

Legislative authority: Sub-Commission resolution 1995/33.

Documentation:

Annual report and list updated by the Special Rapporteur (paras. 8 and 9 of resolution 1995/33).

(b) Individualization of prosecution and penalties, and repercussions of violations of human rights on families

Legislative authority: Commission on Human Rights resolution 26 (XXXVI).

(c) Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

Legislative authority: Sub-Commission decision 1994/101.

11. The implementation of the human rights of women.

Legislative authority: Sub-Commission resolution 1995/26.

Documentation:

Report of the Secretary-General (para. 5 of resolution 1995/26).

12. Human rights and scientific and technological developments.

Legislative authority: Commission on Human Rights resolution 1993/91 and Sub-Commission resolution 1995/26 and decisions 1992/104, 1994/108 and 1995/101.

13. International peace and security as an essential condition for the enjoyment of human rights, above all the right to life.

Legislative authority: Sub-Commission resolutions 1995/24 and 1995/26.

14. Discrimination against indigenous peoples.

Legislative authority: Economic and Social Council resolutions 1982/34 and 1989/77 and Sub-Commission resolutions 1995/26, 1995/38, 1995/39 and 1995/40 and decision 1995/118.

Documentation:

(a) Supplementary report by the Special Rapporteur on the protection of the heritage of indigenous people (para. 4 of resolution 1995/40);

(b) Third progress report by the Special Rapporteur on the study of treaties, agreements and other constructive arrangements between States and indigenous populations (decision 1995/118).

15. Contemporary forms of slavery.

Legislative authority: Economic and Social Council decisions 16 and 17 (LVI) and Sub-Commission resolutions 1989/41, 1995/14, 1995/16 and 1995/26.

Documentation:

(a) Preliminary report of the Special Rapporteur on the situation of systematic rape, sexual slavery and slavery-like practices during wartime, including internal armed conflict (para. 3 of resolution 1995/14) (subject to approval by the Commission of the Special Rapporteur's appointment);

(b) Report of the Working Group (resolution 1995/16);

(c) Report of the Secretary-General (para. 14 of resolution 1995/16).

16. Promotion, protection and restoration of human rights at national, regional and international levels:

(a) Prevention of discrimination and protection of children: human rights and youth;

(b) Human rights and disability.

Legislative authority: Commission on Human Rights resolution 1985/13 and Sub-Commission resolutions 1995/17 and 1995/26.

Documentation:

Report of the Secretary-General regarding coordination endeavours which affect persons with disabilities (para. 1 of resolution 1995/17).

17. Protection of minorities.

Legislative authority: Commission on Human Rights resolution 1995/24 and Sub-Commission resolutions 1989/44, 1994/4 and 1995/26.

Documentation:

Report of the Working Group (Sub-Commission resolution 1994/4).

18. Freedom of movement:

(a) Situation of migrant workers and members of their families;

(b) Population displacements.

Legislative authority: Sub-Commission resolutions 1993/21, 1994/24, 1995/13 and 1995/26 and decisions 1992/112 and 1995/111.

Documentation:

Final report of the Special Rapporteur on the human rights dimensions of population transfer, including the implementation of settlers and settlements (decision 1995/111).

19. Implications of humanitarian activities for the enjoyment of human rights.

Legislative authority: Sub-Commission resolutions 1995/19 and 1995/26.

20. Comprehensive examination of thematic issues relating to racism, xenophobia, minorities and migrant workers.

Legislative authority: Sub-Commission resolutions 1994/4 (para. 5) and 1995/26 and decision 1995/110.

Documentation:

Second working paper by Mr. Eide on a comprehensive programme for the prevention of discrimination and protection of minorities (decision 1995/110).

21. Consideration of the future work of the Sub-Commission and of the draft provisional agenda for the forty-ninth session of the Sub-Commission.

22. Adoption of the report of the forty-eighth session.

XXIV. ADOPTION OF THE REPORT OF THE FORTY-SEVENTH SESSION

511. At the 36th meeting, on 25 August 1995, the Sub-Commission considered the draft report on the work of its forty-seventh session (E/CN.4/Sub.2/1995/L.10 and addenda; E/CN.4/Sub.2/1995/L.11 and addenda).

512. At the same meeting, the Sub-Commission adopted the draft report ad referendum and decided to entrust the Rapporteur with its finalization.

Note

1/ The numbers in parentheses indicate the meeting at which the statement was made.

Annex I

AGENDA

1. Election of officers.

2. Adoption of the agenda.

3. Review of the work of the Sub-Commission.

4. Review of further developments in fields with which the Sub-Commission has been concerned.

5. Elimination of racial discrimination:

    (a) Measures to combat racism and racial discrimination and the role of the Sub-Commission;

    (b) Monitoring the transition to democracy in South Africa.

6. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII).

7. The new international economic order and the promotion of human rights:

    (a) The role and equal participation of women in development.

8. The realization of economic, social and cultural rights.

9. Communications concerning human rights: report of the Working Group established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII).

10. The administration of justice and the human rights of detainees:

    (a) Question of human rights and states of emergency;

    (b) Individualization of prosecution and penalties, and repercussions of violations of human rights on families;

    (c) Application of international standards concerning the human rights of detained juveniles;

    (d) Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers.

11. The implementation of the human rights of women.

12. Elimination of all forms of intolerance and discrimination based on religion or belief.

13. International peace and security as an essential condition for the enjoyment of human rights, above all the right to life.

14. Discrimination against indigenous peoples.

15. Contemporary forms of slavery.

16. Promotion, protection and restoration of human rights at national, regional and international levels:

    (a) Prevention of discrimination and protection of children: human rights and youth;

    (b) Human rights and disability.

17. Protection of minorities.

18. Freedom of movement:

    (a) Situation of migrant workers and members of their families.

    (b) Population displacements.

19. Implications of humanitarian activities for the enjoyment of human rights.

20. Comprehensive examination of thematic issues relating to racism, xenophobia, minorities and migrant workers.

21. The fiftieth anniversary of the United Nations and the Sub-Commission.

22. Consideration of the future work of the Sub-Commission and of the draft provisional agenda for the forty-eighth session of the Sub-Commission.

23. Adoption of the report on the forty-seventh session.

Annex II

ATTENDANCE

Members and Alternates a/

Name	Country of nationality
Mr. Miguel Alfonso Martínez	(Cuba)
*Ms. Marianela Ferriol Echevarría	
Mr. Mohammed Sardar Ali Khan	(India)
Ms. Judith Sefi Attah	(Nigeria)
*Ms. Christy Ezim Mbonu	
Mr. José Bengoa	(Chile)
Mr. Marc Bossuyt	(Belgium)
*Mr. Guy Genot	
Mr. Volodymyr Boutkevitch	(Ukraine)
Ms. Linda Chavez	(United States of America)
Mr. Stanislav V. Chernichenko	(Russian Federation)
Ms. Erica-Irene A. Daes	(Greece)
*Ms. Kalliopi Koufa	
Mr. Asbjørn Eide	(Norway)
Mr. Osman El-Hajjé	(Lebanon)
Mr. Fan Guoxiang	(China)
*Mr. Zhong Shukong	
Ms. Clemencia Forero Ucros	(Colombia)
Mr. El-Hadji Guissé	(Senegal)
Ms. Lucy Gwanmesia	(Cameroon)
Mr. Maksum-Ul-Hakim	(Bangladesh)

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* Alternate

a/ Neither Mr. Miguel Limón Rojas (Mexico) nor his alternate attended the session.

Name	Country of nationality
Mr. Ribot Hatano	(Japan)
*Mr. Yozo Yokota	
Mr. Louis Joinet	(France)
*Mr. Emmanuel Decaux	
Mr. Ahmed Khalifa	(Egypt)
*Mr. Ahmed Khalil	
Mr. José Augusto Lindgren Alves	(Brazil)
Mr. Ioan Maxim	(Romania)
Ms. Claire Palley	(United Kingdom of Great Britain and Northern Ireland)
Mr. Saïd Naceur Ramadhane	(Tunisia)
Ms. Halima Embarek Warzazi	(Morocco)
Mr. Fisseha Yimer	(Ethiopia)

States Members of the United Nations represented by observers

Afghanistan, Albania, Algeria, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belgium, Bhutan, Bolivia, Brazil, Bulgaria, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Dominica, Ecuador, Egypt, El Salvador, Ethiopia, Finland, France, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Italy, Japan, Jordan, Kenya, Kuwait, Latvia, Lebanon, Libyan Arab Jamahiriya, Lithuania, Malaysia, Mauritania, Mexico, Morocco, Myanmar, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Senegal, Slovak Republic, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Viet Nam, Zambia and Zimbabwe.

Non-member States represented by observers

Holy See, Switzerland.

United Nations bodies

United Nations Compensation Commission, United Nations Office at Vienna, United Nations Children's Fund, United Nations Population Fund, United Nations Centre for Human Settlements (HABITAT), Office of the United Nations High Commissioner for Refugees, United Nations Volunteers.

Specialized agencies

International Labour Organization, United Nations Educational, Scientific and Cultural Organization, World Health Organization, World Bank, International Monetary Fund.

Intergovernmental organizations

European Parliament, International Organization for Migration, League of Arab States, Organization of the Islamic Conference.

National liberation movements

Palestine.

Other organizations

International Committee of the Red Cross, Sovereign Military Order of Malta.

Non-governmental organizations

Category I

International Abolitionist Federation, International Alliance of Women, International Association for Religious Freedom, International Confederation of Free Trade Unions, International Council of Women, International Movement ATD Fourth World, International Youth and Student Movement for the United Nations, Inter-Parliamentary Union, Muslim World League, Soroptimist International, World Confederation of Labour, World Federation of Democratic Youth, World Federation of Trade Unions, World Federation of United Nations Associations, World Muslim Congress, Zonta International.

Category II

African Association of Education for Development, African Health and Human Rights Promoters Commission, Afro-Asian People's Solidarity Organization, All India Women's Conference, All Pakistan Women's Association, American Association of Jurists, American Society of International Law, Amnesty International, Andean Commission of Jurists, Anti-Slavery International, Arab Lawyers Union, Arab Organization for Human Rights, Baha'i International Community, Caritas Internationalis, Commission of the Churches on International Affairs of the World Council of Churches, Conference of European Churches, Consultative Council of Jewish Organizations, Co-ordinating Board of Jewish Organizations, Defence for Children International, France-Libertés: Fondation Danielle Mitterrand, Freedom House, Friends World Committee for Consultation, Habitat International Coalition, Human Rights Advocates Inc., Human Rights Watch, Indigenous World Association, Inter-African Committee on Traditional Practices Affecting the Health of Women and Children, International Association against Torture, International Association for the Defence of Religious Liberty, International Association of Democratic Lawyers, International Association of Jewish Lawyers and Jurists, International Association of Lawyers against Nuclear Arms, International Association of

Penal Law, International Catholic Child Bureau, International Catholic Union of the Press, International Commission of Jurists, International Committee for European Security and Co-operation, International Council of Environmental Law, International Council of Jewish Women, International Federation of ACAT (Action of Christians for the Abolition of Torture), International Federation of Human Rights, International Federation of Social Workers, International Federation of University Women, International Federation Terre des Hommes, International Fellowship of Reconciliation, International Institute for Non-Aligned Studies, International Institute of Humanitarian Law, International Islamic Federation of Student Organizations, International Law Association, International League for Human Rights, International League for the Rights and Liberation of Peoples, International Movement for Fraternal Union among Races and Peoples, International Organization for the Development of Freedom of Education, International Organization for the Elimination of All Forms of Racial Discrimination, International Prison Watch, International Service for Human Rights, International Union of Lawyers, International Work Group for Indigenous Affairs, Inuit Circumpolar Conference, Latin American Federation of Associations of Relatives of Disappeared Detainees, Law Association for Asia and the Pacific, Pax Christi International, Pax Romana, Sierra Club Legal Defense Fund, Inc., Society for Threatened Peoples, Susila Dharma International Association, Union of Arab Jurists, United Towns Agency for North-South Cooperation, War Resisters International, Women's International League for Peace and Freedom, Women's International Zionist Organization, World Association for Psychosocial Rehabilitation, World Association of Girl Guides and Girl Scouts, World Council of Indigenous Peoples, World Federalist Movement, World Federation for Mental Health, World Federation of Methodist Women, World Jewish Congress, World Society of Victimology, World Union of Catholic Women's Organizations, World University Service, World Young Women's Christian Association.

Roster

Asian Buddhists Conference for Peace, Centre Europe-Tiers Monde, International Association of Educators for World Peace, International Council of AIDS Service Organizations, International Educational Development, Inc., International Falcon Movement, International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities, International Federation of Free Journalists, International Humanist and Ethical Union, International Human Rights Association of American Minorities, International Human Rights Internship Program, International Movement Against All Forms of Discrimination and Racism, International Peace Bureau, International Pen, International Studies Association, Liberation, Minority Rights Group, Movement against Racism and for Friendship among Peoples, Regional Council on Human Rights in Asia, Saami Council, Servas International, Survival International Limited, World Organization against Torture, World Union for Progressive Judaism.

Annex III

ADMINISTRATIVE AND PROGRAMME BUDGET IMPLICATIONS OF RESOLUTIONS AND DECISIONS ADOPTED BY THE SUB-COMMISSION AT ITS FORTY-SEVENTH SESSION

1. Statements on estimates of the programme budget implications for perennial activities resulting from mandates of the Economic and Social Council were not submitted, since provisions for such activities are included in the proposed programme budget for 1994-1997 (A/48/6/Rev.1).

2. In all other cases, statements on the programme budget implications of implementing the draft resolutions and decisions adopted by the Sub-Commission will be submitted, if necessary, to the Commission on Human Rights in the context of the Commission's consideration of the report of the Sub-Commission.

Annex IV

SUB-COMMISSION RESOLUTIONS AND DECISIONS REFERRING TO MATTERS WHICH ARE DRAWN TO THE ATTENTION OF THE COMMISSION ON HUMAN RIGHTS

1995/6	Situation in Colombia, paragraph 4
1995/8	Situation in the territory of the Former Yugoslavia, paragraph 10
1995/11	Situation of human rights in Burundi, paragraph 6
1995/16	Report of the Working Group on Contemporary Forms of Slavery, paragraphs 6, 10, 22, 51, 53
1995/20	Traditional practices affecting the health of women and children, paragraph 4
1995/21	Discrimination in the context of human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS), paragraphs 5, 7
1995/23	Human rights and the environment, paragraphs 1, 2
1995/25	Protection by competent authorities of everyone against threats, retaliation, pressure or any other arbitrary action as a consequence of legitimate, peaceful and non-violent exercise of the right to strive for the protection of human rights, operative paragraph
1995/32	Effects on the full enjoyment of human rights of structural adjustment programmes, paragraphs 2, 3, 4
1995/33	Question of human rights and states of emergency, paragraph 10
1995/38	Discrimination against indigenous peoples, paragraph 4
1995/109	Draft programme of action on the traffic in persons and the exploitation of the prostitution of others

Annex V

A. STUDIES AND REPORTS COMPLETED AT THE FORTY-SEVENTH SESSION OF THE SUB-COMMISSION

Item	Title	Special Rapporteur	Legislative authority	First submission	Final submission
5(b)	Monitoring and assisting the transition to democracy in South Africa	Ms. Attah	Commission on Human Rights resolution 1995/9 Sub-Commission resolution 1995/12	Forty-fifth session (1993)	Forty-seventh session (1995)
8	Promoting the realization of the human right to adequate housing	Mr. Sachar	Commission on Human Rights resolution 1995/19 Sub-Commission resolution 1995/27	Forty-fifth session (1993)	Forty-seventh session (1995)

B. ONGOING STUDIES AND REPORTS ENTRUSTED TO SPECIAL RAPPORTEURS IN ACCORDANCE WITH EXISTING LEGISLATIVE AUTHORITY a/

Item	Title	Special Rapporteur	Legislative authority	First submission	Final submission
4	Traditional practices affecting the health of women and children	Ms. Warzazi	Commission on Human Rights decision 1995/112 Sub-Commission resolution 1995/20	Forty-seventh session (1995)	Forty-eighth session (1996)
8	Question of the impunity of perpetrators of violations of human rights (economic, social and cultural rights)	Mr. Guissé	Commission on Human Rights resolution 1994/44 Sub-Commission resolution 1995/34	Forty-fifth session (1993)	Forty-eighth session (1996)
8	Human Rights and extreme poverty	Mr. Despouy	Commission on Human Rights resolution 1995/16 Sub-Commission resolution 1995/28	Forty-fifth session (1993)	Forty-eighth session (1996)
8	Human rights and income distribution	Mr. Bengoa	Commission on Human Rights decision 1995/105 Sub-Commission resolution 1995/30	Forty-seventh session (1995)	Forty-ninth session (1997)
10	Question of the impunity of perpetrators of violations of human rights (civil and political rights)	Mr. Joinet	Commission on Human Rights resolution 1994/44 Sub-Commission resolution 1995/35	Forty-fifth session (1993)	Forty-eighth session (1996)
14	Protection of the heritage of indigenous people	Ms. Daes	Commission on Human Rights decision 1995/108 Sub-Commission resolution 1995/40	Forty-sixth session (1994)	Forty-eighth session (1996)
14	Studies on treaties, agreements and other constructive arrangements between States and indigenous populations	Mr. Alfonso Martínez	Commission on Human Rights decision 1995/109 Sub-Commission decision 1995/118	Forty-third session (1991)	Forty-ninth session (1996)
18	Human rights dimensions of population transfer	Mr. Al-Khasawneh	Commission on Human Rights decision 1994/102 Sub-Commission decision 1995/111	Forty-fifth session (1993)	Forty-eighth session (1996)

C. ANNUAL REPORTS ENTRUSTED TO SPECIAL RAPPORTEURS IN ACCORDANCE WITH EXISTING LEGISLATIVE AUTHORITY a/

Item	Title	Special Rapporteur	Legislative authority	First submission	Final submission
10	Question of human rights and states of emergency	Mr. Despouy	Commission resolution 1995/42 Sub-Commission resolution 1995/33	Thirty-ninth session (1987)	

D. WORKING PAPERS AND OTHER DOCUMENTS WITHOUT FINANCIAL IMPLICATIONS ENTRUSTED TO MEMBERS OF THE SUB-COMMISSION IN ACCORDANCE WITH EXISTING LEGISLATIVE AUTHORITY a/

Item	Title	Members of the Sub-Commission	Legislative authority	First submission	Final submission
4	Democracy and the establishment of a democratic society	Mr. El-Hajjé	Commission on Human Rights resolution 1995/60 Sub-Commission resolution 1995/116		Forty-eighth session (1996)
20	Comprehensive programme for the prevention of discrimination and protection of minorities, including proposals for the examination of thematic issues relating to racism, xenophobia, minorities and migrant workers	Mr. Eide	Commission decision 1995/110	Forty-sixth session (1994)	Forty-eighth session (1996)

E. NEW STUDIES AND REPORTS RECOMMENDED TO THE COMMISSION ON HUMAN RIGHTS FOR APPROVAL

Item	Title	Special Rapporteur	Legislative authority	First submission	Final submission
4	Recognition of gross and large-scale violations of human rights as an international crime	Mr. Chernichenko	Commission on Human Rights decision 1995/111 Sub-Commission resolution 1995/22	Forty-eighth session (1996)	
15	Systematic rape and sexual slavery during periods of armed conflict	Ms. Chavez	Commission on Human Rights decision 1994/103 Sub-Commission resolution 1995/14	Forty-eighth session (1996)	Forty-ninth session (1997)
19	Question of the implications for human rights of United Nations action, including humanitarian assistance, in addressing international humanitarian problems and in the promotion and protection of human rights	Ms. Palley	Commission on Human Rights decision 1995/107 Sub-Commission resolution 1995/19		

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a/ This list has been prepared in accordance with Commission on Human Rights resolution 1982/23.

Annex VI

LIST OF DOCUMENTS ISSUED FOR THE FORTY-SEVENTH SESSION OF THE SUB-COMMISSION

Documents issued in the general series

Symbol	Agenda item	
E/CN.4/Sub.2/1995/1 and Corr.1		Provisional agenda. Note by the Secretary-General
E/CN.4/Sub.2/1995/1 and Add.1 and Corr.1		Annotations to the provisional agenda prepared by the Secretary-General
E/CN.4/Sub.2/1995/1/ Rev.1		Agenda. Note by the Secretary-General
E/CN.4/Sub.2/1995/3	4	Note by the Secretary-General
E/CN.4/Sub.2/1995/4	4	Memorandum submitted by the International Labour Office
E/CN.4/Sub.2/1995/5	4	Report submitted by the United Nations Educational, Scientific and Cultural Organization
E/CN.4/Sub.2/1995/6	4	Preliminary report of the Special Rapporteur on traditional practices affecting the health of women and children, Ms. Halima Embarek Warzazi
E/CN.4/Sub.2/1995/7	5 (a)	Note by the Secretary-General
E/CN.4/Sub.2/1995/8	6	Note by the Secretary-General
E/CN.4/Sub.2/1995/9	Not issued	
E/CN.4/Sub.2/1995/10	8	Preliminary set of basic policy guidelines on structural adjustment programmes and economic, social and cultural rights. Report of the Secretary-General prepared in pursuance of resolution 1994/37

E/CN.4/Sub.2/1995/11	8	The relationship between the enjoyment of human rights, in particular international labour and trade union rights, and the working methods and activities of transnational corporations. Background document prepared by the Secretary-General
E/CN.4/Sub.2/1995/12	8	The right to adequate housing. Final report submitted by Mr. Rajindar Sachar, Special Rapporteur
E/CN.4/Sub.2/1995/13	8	Guidelines on international events and forced evictions. Report of the Secretary-General
E/CN.4/Sub.2/1995/14	8	Preliminary report on the relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution, prepared by Mr. José Bengoa, in conformity with resolution 1994/40 of the Sub-Commission and decision 1995/105 of the Commission on Human Rights
E/CN.4/Sub.2/1995/15	8	Second interim report on human rights and extreme poverty, prepared by the Special Rapporteur, Mr. Leandro Despouy
E/CN.4/Sub.2/1995/16 and Corr.1	10	Report of the sessional working group on the administration of justice and the question of compensation
E/CN.4/Sub.2/1995/17 and Add.1 and 2	10	Report of the Secretary-General prepared pursuant to Sub-Commission resolution 1994/33
E/CN.4/Sub.2/1995/18	10	Progress report on the question of the impunity of perpetrators of violations of human rights (civil and political rights), prepared by Mr. Joinet, Special Rapporteur, pursuant to Sub-Commission resolution 1994/34

E/CN.4/Sub.2/1995/19	10	Interim report on opposition to the impunity of perpetrators of human rights violations (economic, social and cultural rights), prepared by Mr. El Hadji Guissé, Special Rapporteur, pursuant to Sub-Commission resolution 1994/34
E/CN.4/Sub.2/1995/20 and Corr.1	10 (a)	Eighth annual report and list of States which, since 1 January 1985, have proclaimed, extended or terminated a state of emergency, presented by Mr. Leandro Despouy, Special Rapporteur appointed pursuant to Economic and Social Council resolution 1985/37
E/CN.4/Sub.2/1995/21	10 (c)	Note by the Secretary-General
E/CN.4/Sub.2/1995/22	11	The integration of the human rights of women and the girl child into the activities of the United Nations system. Report of the Secretary-General prepared in accordance with Sub-Commission resolution 1994/43
E/CN.4/Sub.2/1995/23	*	Note by the Secretary-General
E/CN.4/Sub.2/1995/24	14	Report of the Working Group on Indigenous Populations on its thirteenth session
E/CN.4/Sub.2/1995/25	14	Report of the Secretary-General
E/CN.4/Sub.2/1995/26	14	Protection of the heritage of indigenous people. Final report of the Special Rapporteur, Ms. Erica-Irene Daes, in conformity with Sub-Commission resolution 1993/44 and decision 1994/105 of the Commission on Human Rights

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* Submitted under item 12 of the provisional agenda, consideration of which was postponed until the forty-eighth session (see decision 1995/101).

E/CN.4/Sub.2/1995/27	14	Study on treaties, agreements and other constructive arrangements between States and indigenous populations. Second progress report submitted by the Special Rapporteur, Mr. Miguel Alfonso Martínez
E/CN.4/Sub.2/1995/28 and Add.1	15	Report of the Working Group on Contemporary Forms of Slavery on its twentieth session
E/CN.4/Sub.2/1995/29 and Add.1	15	Report of the Secretary-General on the implementation of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography, submitted pursuant to Sub-Commission resolution 1994/5
E/CN.4/Sub.2/1995/30 and Add.1	16 (a)	Situation of children deprived of their liberty. Note by the Secretary-General prepared pursuant to Sub-Commission resolution 1994/9
E/CN.4/Sub.2/1995/31	16 (b)	Human rights and disability. Note by the Secretary-General prepared pursuant to Sub-Commission resolution 1994/10
E/CN.4/Sub.2/1995/32	Not issued	
E/CN.4/Sub.2/1995/33 and Add.1 and 2	17	Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities. Report of the Secretary-General prepared pursuant to Sub-Commission resolution 1994/4
E/CN.4/Sub.2/1995/34	17	Enclaved groups. Working paper prepared by Mr. Asbjørn Eide pursuant to Sub-Commission decision 1994/113
E/CN.4/Sub.2/1995/35	18	Note by the Secretary-General
E/CN.4/Sub.2/1995/36	10	Letter dated 3 May 1995 from the Permanent Observer for Palestine to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights

E/CN.4/Sub.2/1995/37	5 (b)	Note by the Secretary-General
E/CN.4/Sub.2/1995/38	15	Working paper on the situation of systematic rape, sexual slavery and slavery-like practices during wartime, including internal armed conflict, submitted by Ms. Linda Chavez in accordance with Sub-Commission decision 1994/109
E/CN.4/Sub.4/1995/39	15	Note by the Secretariat
E/CN.4/Sub.2/1995/40	12 and 17	Note verbale dated 9 June 1995 from the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
E/CN.4/Sub.2/1995/41	6	Letter dated 15 June 1995 from the Ambassador, Chargé d'affaires a.i., of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
E/CN.4/Sub.2/1995/42	16 (a)	Letter dated 3 July from the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
E/CN.4/Sub.2/1995/43	6	Letter dated 8 August 1995 from the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the forty-seventh session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

E/CN.4/Sub.2/1995/44	17	Note verbale dated 10 August 1995 from the Permanent Mission of the Russian Federation to the United Nations Office at Geneva addressed to the Chairman of the forty-seventh session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
E/CN.4/Sub.2/1995/45	6	Letter dated 10 August 1995 from the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the forty-seventh session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
E/CN.4/Sub.2/1995/46 and Corr.1	12 and 17	Note verbale dated 8 August 1995 from the Permanent Mission of the Republic of Albania to the United Nations Office at Geneva addressed to the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
E/CN.4/Sub.2/1995/47	13	Written statement submitted by the observer delegation of New Zealand on 14 August 1995
E/CN.4/Sub.2/1995/48	6	Letter dated 14 August 1995 from the Chargé d'affaires, a.i. of the Permanent Mission of the Republic of Croatia to the United Nations Office at Geneva addressed to the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
E/CN.4/Sub.2/1995/49	4	Working paper on democracy and the establishment of a democratic society, submitted by Mr. Osman El-Hajjé

E/CN.4/Sub.2/1995/50	6	Letter dated 16 August 1995 from the Ambassador of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

Documents issued in the limited series

Symbol	Agenda item	
E/CN.4/Sub.2/1995/L.1	22	Note by the Secretary-General. Draft provisional agenda for the forty-eighth session of the Sub-Commission
E/CN.4/Sub.2/1995/L.2	6	Mr. Bossuyt, Ms. Chavez, Ms. Koufa, Mr. Eide and Mr. Joinet: draft resolution
E/CN.4/Sub.2/1995/L.3	5 (b)	Mr. Bengoa, Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Mr. Chernichenko, Mr. Eide, Ms. Ferriol Echevarría, Ms. Gwanmesia, Mr. Hatano, Ms. Koufa, Mr. Lindgren Alves, Ms. Palley, Ms. Warzazi, Mr. Yimer and Mr. Zhong Shukong: draft resolution
E/CN.4/Sub.2/1995/L.4	6	Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Mr. Chernichenko, Mr. Eide and Ms. Gwanmesia: draft resolution
E/CN.4/Sub.2/1995/L.5	6	Mr. Bengoa, Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Mr. Chernichenko, Mr. Eide, Ms. Gwanmesia and Mr. Joinet: draft resolution
E/CN.4/Sub.2/1995/L.5/Rev.1	6	Mr. Bengoa, Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Mr. Chernichenko, Mr. Eide, Ms. Gwanmesia and Mr. Joinet: revised draft resolution
E/CN.4/Sub.2/1995/L.6	6	Mr. El-Hajjé, Mr. Guissé and Mr. Ramadhane: draft resolution
E/CN.4/Sub.2/1995/L.7	6	Mr. Bossuyt, Mr. El-Hajjé, Mr. Guissé and Mr. Ramadhane: draft resolution
E/CN.4/Sub.2/1995/L.8	6	Mr. Bossuyt, Ms. Chavez and Ms. Palley: draft resolution

E/CN.4/Sub.2/1995/L.8/Rev.1	6	Ms. Chavez, Mr. Genot and Ms. Palley: draft resolution
E/CN.4/Sub.2/1995/L.9	6	Mr. Ali Khan, Ms. Chavez, Mr. Joinet and Ms. Koufa: draft resolution
E/CN.4/Sub.2/1995/L.10 and Add.1-19	23	Draft report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-seventh session
E/CN.4/Sub.2/1995/L.11 and Add.1-7	23	Draft report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-seventh session
E/CN.4/Sub.2/1995/L.12	6	Mr. Bengoa, Ms. Chavez and Mr. Eide: draft resolution
E/CN.4/Sub.2/1995/L.13	6	Mr. Joinet and Ms. Warzazi: draft resolution
E/CN.4/Sub.2/1995/L.14	6	Mr. Bengoa, Mr. Eide, Mr. El-Hajjé, Ms. Forero Ucros, Mr. Guissé, Ms. Gwanmesia, Mr. Hakim, Mr. Joinet, Mr. Khalifa, Ms. Koufa, Mr. Ramadhane, Ms. Warzazi and Mr. Yimer: draft resolution
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